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Proceedings

REPORTS OF COMMITTEES

OF THE

SENATE OF THE UNITED STATES

FOR THE

SECOND SESSION OF THE FIFTIETH CONGRESS.

1888-'89.

IN SIX VOLUMES.

Volume 1.—Nos. 2357 to 2604.
Volume 2.—Nos. 2605 to 2719 (except 2686, 2705, 2707, and 2710), and 1 to 3 Special Session.
Volume 3.—No. 2686, Parts 1 and 2.
Volume 4.—No. 270 , Parts 1 and 2.
Volume 5.—No. 2707.
Volume 6.—No. 2710.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1889.

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REGIA
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TO THE

REPORTS OF COMMITTEES

OF THE

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FOR THE

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AND

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50TH CONGRESS, 2d Session. } SENATE. { REPORT No. 2707 and views of minority.

IN THE SENATE OF THE UNITED STATES.

MARCH 2, 1889.—Ordered to be printed.

Mr. PLATT, from the Select Committee on Indian Traders, submitted the following

REPORT:

[To accompany resolution adopted by the Senate January 3, 1886.]

The Select Committee on Indian Traders, having been originally constituted by the following resolution, adopted by the Senate June 3, 1886, viz:

Whereas it is stated that in the matter of the administration of the powers and duties of the Commissioner of Indian Affairs in respect of the appointment of Indian traders, acts have been done or permitted to be done, in disregard of law and the rights and proper interests of citizens: Therefore,

Be it resolved, That a select committee of five, to be appointed by the Presiding Officer of the Senate, be, and hereby is, directed to investigate the subject of the appointment of such traders, the granting of licenses to them, and the refusal to extend such licenses to persons engaged as such traders, and the methods which have been practiced in that regard since the month of April, 1885; and the reasons and influences affecting the several instances of such granting or refusing of such licenses; to whom licenses have been granted since said date, and to whom refused; why granted, and why refused; and whether or not any person to whom a license has been granted has been guilty of conduct or practices prejudicial to the good repute of the public service, and, if so, in what respect, and whether or not the same have come to the knowledge of the Commissioner of Indian Affairs.

Resolved, That in pursuing the said investigation the said committee shall have power to send for persons and papers, administer the necessary oaths, and employ a stenographer, should it be deemed necessary so to do, and such expense as may result from said investigation shall be paid out of the contingent fund of the Senate.

Resolved, That the committee is further instructed to report a bill or bills for such legislation as the investigation may disclose to be necessary and proper in the premises.

having performed the duties assigned to them by said resolution, beg leave to submit the following report:

The first suggestion of an investigation, such as the committee was directed to make, seems to have originated with the Senator from Missouri (Mr. Vest), under the following circumstances:

The Commissioner of Indian Affairs, Hon. J. D. C. Atkins, had refused to renew the license in force at the time of his appointment, under which C. A. Cleveland & Co. were trading at Anadarko, Ind. Ter., with the Kiowa, Comanche, and Wichita Indians, and it had expired. The goods of the firm were still at Anadarko, and they were threatened with serious loss. Various traders had been licensed by Commissioner Atkins to trade with the Indians at Anadarko, among whom was S. M. Jackson, a brother of Howell E. Jackson, then a Senator from Tennessee. C. A. Cleveland, through his creditors at Saint Louis, Meyer, Bannerman & Co., and others, had sought the aid of Senator Vest to

secure a new license to trade. Jackson, being without capital or experience in business, had proposed an arrangement with Cleveland, by which he was to put his license into the business to offset Cleveland's capital—the business to be carried on by Cleveland alone, and Jackson to receive half the profits. Commissioner Atkins had promised to license Cleveland or one Reynolds in connection with Jackson, but had recalled and revoked his promise at the suggestion of Senator Jackson. Thereupon Senator Vest wrote Maj. James Bannerman, of Saint Louis, the following letter:

UNITED STATES SENATE,
Washington, D. C., December 12, 1885.

DEAR JIM: Since writing you the other day I received a note from the Commissioner of Indian Affairs, asking me to call at his office. He wanted to tell me that he had just seen Jackson, and found it impossible to keep his promise in regard to giving a partnership with Jackson, either to Reynolds or Cleveland, as I might select. He then said that he would try to give Reynolds another tradership at another point, and that this was the best he could do.

It is simply impossible for me to do justice to my astonishment when I found he had changed his mind, but I found I could not help myself, and so the matter rests. Atkins seems determined to put all the traderships in the Indian Territory in the hands of Mississippians and Tennesseeans. I do not want to have a quarrel with him, but I think I shall offer a resolution in the Senate asking for full information as to these appointments.

Let me know whether Reynolds will take a tradership at another point. Atkins told me that Cleveland had a herd of cattle on the reservation, and he did not think he could appoint him under any circumstances.

Your friend,

G. G. VEST.

Maj. JAMES BANNERMAN,
(Care of Meyer, Bannerman & Co.,)
Saint Louis, Mo.

Afterwards Cleveland and his attorney, R. F. Hunter, of Washington, D. C., suggested to Senator Vest that he should offer in the Senate a resolution of investigation; but Senator Vest declined, saying that he was a Democratic Senator and that they must go to somebody else. There upon Mr. Hunter communicated the facts in his possession to Senator Wilson, of Iowa, who introduced a resolution of inquiry, which was amended and adopted in the form herein set forth.

The circumstances attending the refusal of the Commissioner to renew the license of Cleveland & Co., and the conduct of Jackson, to whom a license was issued, will be detailed in a subsequent portion of this report.

Before proceeding to state the results of its inquiries as respects the granting of licenses by the Commissioner to persons without capital or experience, who have attempted to use their licenses to secure money or a share in the profits of business; and as respects the hardship and loss to traders which have attended the refusal of the Commissioner to renew licenses, apparently for no reason except that he might find opportunity to appoint or license his political or personal friends, the committee desires to call attention to what seems an intentional disregard of every principle of civil-service reform which has marked the conduct of the office of Commissioner of Indian Affairs during the present administration in respect to the appointment and licensing of Indian traders.

It may be said that an Indian tradership is not an office, and, strictly speaking, is not an appointment. It is a monopoly of trade with the Indians at a specified agency or reservation, either exclusive in a single trader or limited to such number as may be prescribed by the Commissioner. By statute, no person is permitted to trade with the Indians

upon a reservation without first having obtained a license from the Commissioner of Indian Affairs. Under present construction of the statute by the Commissioner he is subject to no one in his action, claiming his power to grant licenses to be arbitrary and exclusive. Comment upon this construction is reserved for a subsequent portion of this report.

The present administration came into power under solemn and binding pledges that officials should not be removed for merely political reasons, nor should appointments be made as the reward of political services or personal favoritism. Without such pledges the present Executive would never have been elected. The failure, therefore, to carry out the principles of reform in any branch of the civil service becomes not only reprehensible but dishonest. As a result of such pledges, political workers, clamorous for appointments, found at first the pathway to place partially hedged up. While such pledges were fresh, the administration could not at once wholly repudiate the professions of the the campaign. It seems, however, to have very soon discovered that the supposed absolute power of the Commissioner of Indian Affairs to license Indian traders, the remoteness of the places where the traders were to carry on business, the fact that the tradership was not an office, and that such licenses attracted little public attention, furnished an opportunity to satisfy the claims of partisans and political favorites. Consequently, many persons who could not have been appointed to offices attracting public notice, without an acknowledged violation of all civil-service reform professions, discovered that the easiest avenue to place was through the office of Commissioner of Indian Affairs. How far the Commissioner may have shared the views which the Executive professed, is not for the committee to say, except as the expressions of the Commissioner on that point indicate his position.

The investigations of the committee disclose the fact that Indian traders were licensed without reference to their ability, business experience, or the possession of capital to engage in business—apparently for no reason other than to reward political services, and to provide for personal and political favorites. At the outset of his testimony the Commissioner scarcely endeavors to conceal the motive which actuated him in the licensing of traders. On page 9 of the testimony he says:

> Then, I will be very frank, I have refused to relicense some gentlemen upon the urgent demand of Senators and Representatives and other persons in this country asking that certain traderships be given to some of their friends. If that is a crime, I have committed it. I know that when I came into the office there was a general expectation that all of these traders would be removed at once—as soon as their licenses expired, if not sooner. I know that was the general feeling; I do not say it was universal, but I have heard it, and I have a right to believe it was the general sentiment; I could hear it. I have not failed in but one or two instances, I believe, to allow every trader to continue until his license expired by limitation. I believe there are one or two—one I know, and perhaps two—where I have not done so.

And later on the sentiments of the Commissioner will appear in the following quotation from his testimony:

> The CHAIRMAN. Do you think it unwise to revoke a license at the end of the year when a man has put his capital into the business?—A. I think that it is owing to circumstances altogether.
>
> Q. I mean if he has complied with the regulations?—A. Well, then, it is owing to circumstances.
>
> Q. Do you think it wise to revoke the license of a trader against whom there are no charges or complaints for the purpose of putting in a friend of the appointing power?—A. I may answer that by asking another question: If it would be wise to remove any man from office and appoint another man in his place, so far as that is concerned? Now I will be very frank with you, Mr. Chairman, and with the committee, very frank indeed. I made the statement in my first hearing before the com-

mittee that there had been persons whose licenses had not been renewed because there were Representatives and Senators and other persons asking the appointment of their friends in the place of those parties. And, sir, when I came into office—if a partisan turn is to be given to the matter—I found a large proportion (so far as my information goes, almost entirely, in fact) of the traders were members of the Republican party, and I reckon to-day that a majority of them, and a considerable majority of them, are members of the Republican party. I have licensed anew some gentlemen who are Republicans, as I understand.

The CHAIRMAN. I have not intended to give this any political or partisan turn.

Commissioner ATKINS. I did not know. I could only answer your question by making a frank statement.

Q. Well, whether in this Jackson case or not, have you not refused to renew licenses of Indian traders, and appointed new persons who were your friends?—A. Yes, sir.

Q. Sneed and Colyer, I think, were friends of yours?—A. Yes, sir; they were, and one or two others.

Q. Now, I am speaking simply of this trade with the Indians. Do you think it is wise in a case where no complaints are made against the trader to refuse to extend his license upon the ground that you want to appoint friends of your own to that place?—A. Were I to do so I should follow in the line of several precedents.

Q. I am asking you what you think is wise with reference to it?—A. I answered your question once by saying that was owing to circumstances.

By Senator CULLOM:

Q. What are the circumstances?—A. The circumstances would be these: Influences of a strong character. Representative men have pressed upon me the appointment of traders in the place of others, and I have yielded to their requests; those are the circumstances.

Q. Political friends?—A. Yes, sir.

The CHAIRMAN. I do not want to bring politics in.

Commissioner ATKINS. You may take that ground. You may take that as possibly true, probably true in some cases, because I do not desire to conceal anything at all.

By the CHAIRMAN:

Q. Were Sneed and Colyer pressed upon you by political friends?—A. No, sir; not specially.

Q. They were your own friends?—A. Yes, sir; they were my own friends.

By Senator CULLOM:

Q. Do you mean personal friends or political friends?—A. Well, they were both personal and political friends; they were very warm friends that I had, men to whom I owed a great many obligations in the way of my political life, I may say.

By the CHAIRMAN:

Q. The nature of the business of an Indian trader involves an investment of capital in goods to a greater or less extent, does it not?—A. Yes, sir.

Q. The same as would be the case in setting up a store anywhere?—A. Oh, yes, sir; I should suppose so.

Q. Now I recur to the question once more, whether, when a man has received such a license as that, and has made the investment of capital necessary to carry on the business, has been guilty of no wrong in conducting the business, you think it is wise or proper not to renew his license for the purpose of being able to appoint your political friends to the place occupied by that person?—A. I have answered that question. I repeat my answer. My answer is contained in my previous reply to your question. (Pages 103–105.)

It is worth observation that the testimony taken by the committee does not bear out the statement of the Commissioner, that when he took his office almost all of the Indian traders were members of the Republican party. At the end of twenty-four years of Republican administration, it might naturally be expected that a majority of the traders would be in sympathy with the party in power; and yet the fact appears in testimony that a very considerable portion—probably a third—of them were Democrats, and that under Republican administrations the question of politics had not been seriously regarded in the matter of granting licenses.

In the opinion of the committee, the political opinions of the trader should have no influence in the matter of granting licenses. As has been already said, such appointments or licenses are in no sense offices.

A license is simply a restriction upon the usually universal right to trade—a restriction which has been supposed to be necessary in the interest of the Indians. The business and duty of a trader are purely commercial, and in no sense administrative. The business differs from that of a country merchant only in that the licensed trader must give bonds that he will comply with certain regulations prescribed by the Government, in order that the Indians may be protected from imposition, and in aid of their civilization. In principle, a new administration might with equal propriety issue an edict that trade should be carried on in every town and village of the United States by persons belonging to the successful political party, as to refuse to continue licenses to Indian traders simply because they did not belong to the successful political party, or because their business was wanted for the political and personal friends of the Commissioner of Indian Affairs, "to whom he owed a great many obligations in the way of his political life." Whatever may have been the condition when the committee began the taking of testimony, it is believed at the time of making this report, that all the Republicans who on the 4th of March, 1885, were licensed to trade with Indians, have been obliged to give place to Democrats, and that the doctrine that "to the victors belong the spoils" has been carried to such an extent that no person is permitted to get a clerkship in an Indian trader's store unless he is a Democrat.

The spirit of traders, not to say of the Commissioner, may be seen from a scrap of testimony given by one trader frank enough to express, without concealment, his real sentiments. Walter B. Barker, trader at Darlington Agency with the Cheyenne and Arapahoe tribe, a friend and acquaintance of Secretary Lamar, says on page 502:

Q. Some inquiry was made by Senator Blackburn awhile ago about Dr. De Bra's politics. You said he pretended to be a Vallandigham Democrat, but voted for Blaine down there.—A. I said they said he did; I do not know anything about it.

Q. You said you would consider a man's politics yourself, if you had your own way, in making these appointments. What do you mean by that?—A. I mean by that that if I had the authority I would put my friends in office, providing they were competent.

Q. Suppose they ran out?—A. Then I would get somebody else's friends.

Q. You believe in the doctrine that "to the victors belong the spoils?"—A. Yes, sir.

Q. Absolutely?—A. Yes, sir.

Q. Not only as applied to post-offices, but to tradership and everything else?—A. Yes, sir.

Q. Even to a poor physician at $1,200 a year?—A. Yes, sir.

Q. You would make it apply to them and to clerks? Would you turn out a clerk because he happened to vote for Blaine or some other good man?—A. I would turn out a man to put in a friend who was a good Democrat.

Q. A man would not be a friend of yours unless he was a good Democrat, would he, in your estimation?—A. I have some good friends who are Republicans, but I never would put them in office.

The peculiar situation of the trader makes his removal, solely for the purpose of giving his trade to a political or personal favorite, an outrage. The trade is usually conducted at great distances from railroads or water communication, the goods having to be hauled by teams through an unsettled country for a distance of from 30 to 200 miles. The trader has to furnish his own buildings; the character of the goods is suited mainly to the Indian trade. Government payments to Indians being made at intervals, and sometimes under delay, necessitates furnishing goods to the Indians on credit. When, then, at the expiration of the yearly license some one appointed as a reward for political services or in recognition of his adherence to the personal political fortune of the Commissioner appears with a license to trade at that point, the old trader is

absolutely at the mercy of the new comer. The new appointee is under no obligation to purchase either the building or goods of the old trader. The old trader must sell or haul away his goods, suited only to the Indian trade. He must take what the new comer offers, if he offers anything; and whether he sells or hauls away his goods, the amount for which he has given credit to the Indians is practically lost. Very little of it can ever be collected.

It is this condition of things that makes it possible for the licensed politician or adventurer to speculate on his license. If he proposes an "arrangement" to the old trader, by which he is to receive a share of the profits for the use of his license, the rejection of such offer by the trader means his bankruptcy and ruin. If the new trader has capital with which to engage in business, he is still master of the situation. The old trader is in his power, and must accept whatever the new trader will offer. It is loss and practical ruin in any case. Such a system of trade with the Indians is defensible only on the supposition that the Commissioner in issuing licenses to new traders, does it upon condition that the new trader will make fair terms with the person whose business and store he can thus forcibly take. The appointment of political adventurers and personal impecunious friends negatives any such supposition, and reduces the system to a basis of literal spoliation. This will more clearly appear by a summary of a few sample cases investigated by the committee.

THE CASE OF S. M. JACKSON.

This case has been partially spoken of. Jackson was a Tennesseean, a brother of a Senator from Tennessee. Commissioner Atkins was a resident of Tennessee, and it is fair to presume was indebted to Senator Jackson for assistance rendered in the matter of his appointment. S. M. Jackson had neither business experience, money, nor capacity, and yet he received an early appointment or license to trade at one of the most profitable agencies. Commissioner Atkins took charge of his office March 26, 1885. As early as July 5, 1885, Jackson appeared at Anadarko with a letter from the Commissioner, stating that he would be licensed to trade at that agency. Application for his appointment was made June 5, 1885, indorsed by Senator Jackson, W. H. Jackson, and James D. Porter. He was notified that he would be appointed as early as June 18, 1885—probably earlier. (*Vide* letter, p. 160.)

The old traders at Anadarko were C. A. Cleveland & Co., A. J. Reynolds, and Frank F. Fred. The trade at that point had been about $180,000 per annum. There seems at first to have been a decision on the part of the Commissioner that only two traders were to be appointed at that agency, explained by the Commissioner upon the assumption that trade had fallen off to some extent. C. A. Cleveland & Co. were licensed February 1, 1884. The license was renewed February 1, 1885, the year expiring January 31, 1886. On the 5th day of July, nearly seven months before its expiration, Jackson appeared and proposed to C. A. Cleveland an arrangement with him, to the effect that he (Jackson) should put into the business then carried on by Cleveland & Co. only his license, and receive therefor one-half the profits of the business, asserting that if the proposed arrangement was not accepted the old traders would be forced off the reservation; that he (Jackson) had great influence with the Commissioner, and would use his influence to force them off (*vide*, page 17); and further, that if his proposition was not accepted Cleveland's license would be revoked by the last of September

or first of October. Jackson left the place, and substantially the same offer was renewed by Thomas J. Henley, of Saint Louis, father-in-law of Jackson (*vide* letter of Caruth, page 23). Cleveland declined the proposition, but offered to sell out to Jackson. Jackson had no means with which to purchase. On the 5th of October, 1885, while negotiations with Jackson were in progress, Cleveland & Co. were notified, as Jackson had said they would be, that when their license should expire, January 31, 1885, it would not be renewed. Jackson's proposition was renewed in various ways during the continuance of the license of Cleveland & Co.

The attention of the Commissioner was directly called to the propositions of Jackson on or about the 28th of December, 1885. He had previously, in August, heard a rumor that Jackson had been trying to sell his license, but in conversation upon the subject Jackson had denied it. It is but fair to the Commissioner to say that as soon as positive evidence of Jackson's proposition was laid before him, he notified Jackson that he must open a store at once under his license. He did not; however, cancel his license at that time. Jackson replied under date of January 9, 1886, asking if he might not put a gentleman in charge of the business as partner without going to Anadarko or residing there himself. To this the Commissioner replied, January 14, 1886, that the licensed trader must live on the reservation and conduct the business personally, telling him that the license of the old traders had been revoked upon the expectation that the new traders would take their places at once; and that he must either go and open his store or return his license. Jackson then wrote, evidently inquiring whether he could have a new license in the name of a partnership, if he could form one. He was informed by the Commissioner under date of January 23, 1886, that he could, but that he must make arrangements to open the store by February 1 (page 90). Jackson then surrendered his license some time in the latter part of January and before the expiration of Cleveland & Co.'s license. The license of Cleveland & Co. was not renewed, and other traders were appointed in their place.

It will be observed that Jackson's license was not revoked by the Commissioner, and he was permitted, after the Commissioner knew of his attempt to use his license in an improper manner, to continue his effort to find means to commence business under it; and at the very last was told that if he could form a partnership, he could open the store under his old license, and have a new license in the name of the partnership. It is fair to presume that if Jackson could have found a partner, and complied with the rule that he must reside on the reservation, he would have been permitted by the Commissioner to trade, notwithstanding his persistent efforts for six months to use his license to obtain a share in the profits of the business of Cleveland & Co. It is fair, also, to presume that such open and notorious efforts as Jackson made to use his license improperly, and to make money out of it, at one of the most important trading agencies in the country, could not have been entirely unknown to the Commissioner at an earlier period than December 28, 1885. Certainly there was enough to have put him on his inquiry. His attention was called to Jackson's endeavoring to buy goods on credit, without money, on the strength of his license, in Saint Louis, by Senator Vest, about the 1st of December, 1885 (pp. 133, 134), and he was told that he ought to remove him at once, but replied to the Senator as follows:

> Mr. Atkins said: "I will tell you, Vest, I feel that way, but Senator Jackson and myself are friends, and there is a condition of things in Tennessee that if I were to put

this man out suddenly and harshly it would be susceptible of a wrong interpretation, and I do not want to do it. I want to give him a chance, but he shall not do this thing. I do not propose to have him going around the country with the license and without putting goods there, and I will make him put a stock of goods there or give up his license. I will see his brother, Senator Jackson, and tell him at once."

As early as the 18th of July, 1885, Senator Vest wrote the following letter to Commissioner Atkins (page 167):

SWEET SPRINGS, MO., *July* 18, 1885.

MY DEAR SIR: I regret very much to learn that you have notified C. A. Cleveland & Co., of Anadarko, Ind. T., that they will be replaced by gentlemen from Tennessee. I know Cleveland well, and obtained for him the position of Indian trader whilst Price was Commissioner. He is one of the best men for the place to be found anywhere. Is honest, has the confidence of the Indians, and stands high as a business man in Saint Louis.

If there is any charge against him I have never heard it. I sincerely hope you will not remove him. I ask this as a personal favor, and because I believe it unjust to remove him.

Frank L. Fred, at Anadarko, is also a good trader, and J. T. N. Gooch, at the Otoe Agency, and T. M. Finney, at the Kaw Agency. I know these men from the fact that they have bought goods largely in Saint Louis, and I have had a good deal to do with matters in the Indian Territory and the different interests there in the last six years. The standing of these traders I have mentioned is as good as that of any merchants I know.

I hope you will pardon me if I write you plainly as to this matter. It is not good policy to remove old and established traders, who have kept good supplies of goods, and dealt fairly with the Indians, and have secured their confidence.

The custom has obtained to a shameful extent of giving these traderships to impecunious favorites, who have no money, and who put their appointments in as their part of the stock for the store, some man with money furnishing the real capital. These stores are intended for the benefit of the Indians, not to enrich traders; and the more stores there are, run by honest men, the better for the Indians. It prevents monopoly and creates healthy competition. I have heard that you intend reducing the number of traders at Anadarko from four to two. If you do, it will only put more money in the pockets of the two appointed, and will not help the Indians.

It is also reported that a number of appointments are being made from Tennessee and Mississippi, and some of them men without money and utterly unused to the Indian trade. I hope this is not true, for reasons I need not suggest; for this sort of thing has cursed the Indian Bureau for years.

You will pardon me for writing plainly, and if my information is incorrect you will simply charge the statement to my anxiety that even the shadow of complaint should be removed.

The merchants of Saint Louis are deeply interested in these matters and have urged me to write.

Truly,

G. G. VEST.

Hon. J. D. C. ATKINS,
Commissioner of Indian Affairs.

But, notwithstanding all his knowledge and the necessity of strict inquiry into the conduct of Jackson, he never revoked his license nor reprimanded him, but signified his willingness to license him with a partner if he could obtain one.

Cleveland, meantime, earnestly endeavored to obtain a renewal of his license, but was unsuccessful.

All the facts detailed above were communicated to the President by Cleveland's attorney on the 22d and 23d of April, 1886, while Cleveland was still at Anadarko under an extension of time, and endeavoring to obtain a renewal of his license. But no notice appears to have been taken of the case by the President, further than a formal reference of the same to the Secretary of the Interior. Cleveland was finally peremptorily ordered to remove his goods from the Indian Territory, on the 1st of June, 1886. He complied with the order as well as possible, removing all the goods which he could secure carriages to transfer to

Doan, in the State of Texas, about 100 miles distant. He had to abandon two buildings or store-houses, which he had erected at a cost of about $4,000, and to leave a portion of his goods therein. His loss upon buildings, stock in trade, and his inability to make collections from the Indians after being ordered to remove from the Territory were large—probably $10,000. (Pages 28 and 29.)

One reason given by the Commissioner for refusing to renew the license of C. A. Cleveland & Co. was that a charge had once been made against him that he kept cattle on the reservation, a charge strenuously denied by Cleveland, believed by the committee to be untrue, and undoubtedly found by the Commissioner to be untrue, as the reason for the refusal to renew the license was afterward stated by the Commissioner to be that Cleveland had been a member of a firm of former traders, J. J. Fisher & Co., who upon a sale of their business to Reynolds had agreed not to seek a new license on that reservation, and that Cleveland had sought and obtained a license in violation of that agreement; but that charge had been previously investigated by the predecessor of Commissioner Atkins, and the license had been granted to Cleveland & Co. after a full investigation of that charge.

The true reason for the refusal to renew Cleveland's license in the day and time of it seems to have been stated by the Commissioner in his letter to Jackson, dated January 14, 1886, in which he says:

> Your license was issued about six months ago, and the licenses of the old traders have been revoked upon the expectation that the new traders would take their places at once. The needs of the Indians require that they be relicensed or that the new men take prompt steps to begin business. (Page 90.)

and in the testimony already alluded to, in which he said that he "refused to license some gentlemen, upon the urgent demand of Senators and Representatives and other persons in this country, asking that certain traderships be given to some of their friends."

The license of M. B. Harris & Co. (M. B. Harris, C. W. Jacobs, and P. C. Lovelace) as traders at Anadarko seems to have been nearly as unfortunate and ill-advised as that of Jackson. They were licensed as early as July 19, 1885, and seem to have been, with Jackson, the parties selected to take the place of the three old traders upon that reservation. Harris and Jacobs were from Tennessee. The Commissioner says they were personally unknown to him. Jacobs was the son-in-law of W. P. Bond, of Trenton, Tenn.; and the letters of Mr. Bond show that he was an old friend of the Commissioner, and was interested in some way with his son-in-law, Jacobs. The following letters from Mr. Bond to the Commissioner are found on pages 165 and 166:

TRENTON, TENN., *July* 15, 1885.

MY DEAR SIR: I fear I shall be, if I have not already been, troublesome. But you have been before so kind and patient that I am encouraged to appeal to you as often as difficulties arise. I informed you in my last that Mr. Jacobs' partners, those whom he had associated with himself in the privileges granted to him by your special permit, had refused before leaving Milan to enter into a contract of partnership, which conduct of theirs awakened my suspicions that they were disposed to deal unfairly with him. They have been to Anadarko, examined the situation, and while on the ground they, after repeated requests, declined to draw a contract, and I am satisfied, my dear sir, that our interests, Jacobs' and mine, will be but subserved by revoking the permit granted to M. B. Harris & Co. and issuing the same license to Charles W. Jacobs, *individually*.

If necessary, he can make a new bond, and will do so, if you will send him a blank.

My dear friend, I have seen better days, and lived in ease and comfort; through the providence of God, I have been stripped of all my property, all my earthly possessions, save only the love, esteem, and confidence of the friends God gave during a

course of fifty years in West Tennessee. I have a hard scuffle to live. Do this for me as above requested, and you will make us all happy, and we will love and pray for you while life lasts. Harris has not the money.

Your sincere friend,

W. P. BOND.

Hon. J. D. C. ATKINS,
Washington, D. C.

True copy. Attest:

C. A. MAXWELL,
Acting Chief Clerk, Indian Office.

[Indorsed.]

Office of Indian Affairs, 16207. Received July 18, 1885.

W. P. Bond, Trenton, Tenn., July 15, 1885, requests that license to M. B. Harris & Co. be revoked and issue of same to C. W. Jacobs.

Answered July 17, 1885.

TRENTON, TENN., *July* 22, 1885.

MY DEAR SIR: Yours received in reply to my last. It was very wrong in me to have made such a request of you. I do sincerely crave pardon, and let not this folly be numbered against me.

M. B. Harris & Co. I feel satisfied will move on smoothly.

They purpose going shortly to Anadarko, and is it allowable to ask you to open the way for them to go to work immediately?

Please, my dear sir, answer this and let them know that when they get to Anadarko they will find the way open.

With high regard and sincere esteem, I am your obedient servant,

W. P. BOND.

Hon. J. D. C. ATKINS,
Commissioner, etc.

True copy. Attest:

C. A. MAXWELL,
Acting Chief Clerk, Indian Office.

TRENTON, TENN., *July* 28, 1885.

MY DEAR SIR: Bear with me, if you please, and whilst I am striving to help Mr. Jacobs, my son-in-law, do not allow me to injure him. Could you not give C. W. Jacobs, individually, a license to trade, upon his making bond, and thus have three licensed traders at Anadarko—Jackson, Jacobs, and M. B. Harris & Co., Jacobs withdrawing from the firm of Harris & Co.?

Jacobs wanted to "buy out" Brown, and thus you would have been saved some annoyance. He would buy out rather than require a revocation of license—and will now, if only he can be permitted to act as his judgment and sense of propriety dictates. M. B. Harris & Co. could still go on under the license obtained, substituting some one else for Jacobs, if deemed proper, and Jacobs & Co., or Jacobs alone, could proceed unembarrassed by the multitude of counselors. Our necessities are great and pressing. Let this consideration extenuate my offense, if any there be, and praying God to guide and help you.

Yours sincerely, and with high esteem,

W. P. BOND.

Hon. J. D. C. ATKINS.

Neither Harris, Jacobs, nor Lovelace appears to have had any money. They soon quarreled. Bond says that Harris had no money, and the Commissioner says that Jacobs was a fraud. Who Lovelace was does not appear. The character of Harris and Jacobs is shown by the letters already quoted, and by the testimony of the Commissioner, who says, on page 84:

Commissioner ATKINS. I had been pressed by some gentlemen to grant another license at that place, and had consented to license another man, a man named Jacobs. Directly after I agreed to license him I was applied to to license a man by the name

of Harris and a man by the name of Stone, parties who, up to that time, I had not known (and I do not know that I ever did see Harris) who lived at Milan, Tenn. I agreed to license them with Jacobs, and while I am on that Jacobs business I will finish it. They went out with Jacobs, and it was perfectly apparent that Jacobs was a fraud. He was not the man that I supposed he was and as had been represented to me by his father-in-law, Judge Bond, and other parties. Finding that he was a fraud and that he had acted in bad faith after he got out there with these parties, as they alleged, I communicated the fact to Mr. Bond, and finally over the entreaties of Mr. Bond and other parties I revoked his license, and did that, I believe, in August—August 26, I think, was the date that I revoked his license.

And on pages 107 and 108, he further says:

Q. You did license a man named Jacobs?—A. I did; yes, sir.

Q. When did you grant that license?—A. I think I granted that license in August—July or August, I forget which. Possibly it might have been June.

Q. When was his license revoked or returned?—A. It was revoked on the 26th of August.

Q. Did you know him before appointing him?—A. I never did. He was recommended to me by a man whom I did know by reputation very well, although I did not know him personally, a man named Judge Bond, his father-in-law. And then there were a good many recommendations of him from persons living in the town in which he had formerly lived, Brownsville, Tenn. Gentlemen of high reputation recommended him.

Q. In regard to this matter you say, in your previous testimony, that "finding that he was a fraud, and that he had acted in bad faith, after he got out there, with these parties, as they alleged, I communicated the fact to Mr. Bond, and finally, over the entreaties of Mr. Bond and other parties, I revoked his license." What was the bad faith which you there allude to?—A. The bad faith was that, in the first place, he had to borrow money to go out there, as these parties alleged. After being represented to me as a man with sufficient credit and means to run a store, he had to borrow money to go out there on, and declined to pay it back; and after he got out there, and went out with these parties, he endeavored to sell out to other parties—to use his license to sell out to other parties and ignore them altogether. These parties—Harris and Stone, I believe their names are; perhaps I have not got the last name right, but I think it is Stone; at any rate, the records will show who was licensed with M. B. Stone & Co.—represented these facts to me, and I revoked Jacobs's license. However, I am a little too fast. Judge Bond, finding that these parties had quarreled, wanted me, also, to license Jacobs alone, and these parties made these charges to me against Jacobs, and I just revoked the whole license.

Q. It was in August, or before August 26, that you heard of those facts?—A. Yes; so far as they are concerned, I heard them then, I believe. I had forgotten.

Q. You were then aware before August 26 that one of your appointees was trying to sell his license?—A. Now, I call it to mind; I recollect it. The other day when Jacobs's name was mentioned I had not thought of Jacobs for months, but when his name was mentioned I recalled it.

Jacobs seems to have entertained the same idea of the opportunities of an Indian trader that Jackson did, and to have endeavored to avail himself of those opportunities by the same means, viz, by using his license as a means of obtaining a portion of the profits of the trade.

It will be observed that no charges were made against any of the old traders, and there was no complaint that they did not manage the business in the interest of the Indians whom they supplied with goods.

CHEYENNE AND ARAPAHOE AGENCY AT DARLINGTON.

Hemphill & Woy were the traders at this reservation when Commissioner Atkins was appointed. They were licensed May 8, 1883. The agency is 112 miles distant from the nearest railroad communication at Caldwell, Kans., and the goods had to be hauled from that point by ox teams or mule teams. Woy had been a business man, first in Iowa, and both of these traders were much respected. When first licensed they invested in the business $30,000. The buildings which they occupied cost about $13,000. The license was renewed yearly and ran until May, 1885. No complaint was ever made by the Indian agent at that reservation. Both of the traders took an interest in the education and

civilization of the Indians, and did all in their power to benefit and better their condition.

They received no notice that their license would not be renewed, and on the first of April, 1885, following their usual custom, made an application for the renewal of the same, and furnished a new bond. They received no license, but kept on trading by permission of the agent until the renewed license should be forwarded to them. In July, 1885, having received information from outside sources that the license was not to be renewed, Mr. Woy went to Washington to see the Commissioner. He found then that the Commissioner had appointed to take the place of the traders already there Walter B. Barker, of Macon, Miss., a friend of Secretary Lamar, and C. Y. Meeks, of Tennessee, a personal friend of the Commissioner.

There had been three traders at this agency—Hemphill & Woy, David Hays, and Reynolds, Doty & Hubbell. Mr. Woy's testimony on this subject, not contradicted, is as follows:

Q. Did any one go with you to see the Commissioner?—A. I think Mr. King went in with me that morning and introduced me.

Q. Senator Sawyer did not go with you, did he?—A. No, sir; no Congressman or Senator was with me. I think George A. King went in with me and introduced me. I had never been in the Commissioner's office before, and never had met him. I am not quite sure I am right about saying that Mr. King went in with me, but I believe he did. I told the Commissioner that I had come in to see about our license, and he replied that he had appointed two traders for our agency. I said, "We have had no notification of it that you intended to do so." Well, he did not consider that it was necessary. I said, "Will you not appoint a third one?"

Q. Before leaving that, did he state who he had appointed?—A. Yes, sir; I asked for the names of the gentlemen, from the fact that I felt that I might want to confer with them in regard to some trade that we might be desirous of making with them.

Q. Who did he say he had appointed?—A. He said that he had appointed W. B. Barker, at the personal request of Secretary Lamar; that Secretary Lamar had come to him and said that he desired that Barker should have an appointment as trader at a place that he might select, and that he had selected the Cheyenne and Arapahoe Agency. That is about as he put it.

Q. Who was the other trader whom he had appointed?—A. He said, "I have appointed C. Y. Meeks, of Tennessee, a personal friend of mine."

Q. Then you were going on to say that you asked if he would not appoint you besides?—A. I asked him if he would not appoint a third trader. He said, "I do not think that I shall, but," he says, "Mr. Hubbell of that place and agency, a trader, was here yesterday, and from what he tells me" (he had made some inquiry in regard to the amount of business we had at our agency) "I may change my mind and appoint a third man. If I do I have promised the place to Mr. Hubbell." (Pages 209, 210.)

Mr. Woy informed the Commissioner that it would result in serious embarrassment and loss if the license was not renewed to them. His testimony is as follows:

Q. Did you ask him whether there had been any complaint made against you?—A. I asked him why we should be removed to give place to any one else without charges being preferred. He says, "I have stated to you the fact; it was personal friendship that did it." He says, "You are as good men as we can ever put there." That is about all the answer he made. He said, "Your characters are unexceptionable."

Q. In that conversation did you say to the Commissioner anything as to what the effect would be of not having your license renewed?—A. I told him that it was going to embarrass us wonderfully, and he says, "In what way?" I said, "In the first place, we have a very heavy stock of goods and are doing a large business at an inland place, and," I said, "unless your appointees will take our buildings and property it will ruin us." I asked him if he thought they would do it, or if they were able to do it. I said, "I ask this simply for information to help me." He said that Barker, he thought, would command some money, but he said Meeks was a poor man. He said, "I hope you can make some arrangement with them so that you will not meet with serious loss," and he gave me their addresses on a piece of paper with his own hand. He asked me about the amount of investment we had. I told him that our stock would invoice anywhere from $30,000 to $35,000; that our buildings had cost us $13,000; that we had from $5,000 to $6,000 of outside property in hide-yards and presses, ox trains, and wagons—heavy, coarse wagons for freighting—and that we had

a large outstanding indebtedness, and would have until we could meet a payment and make collections.

Q. Did you state the amount to him at the time?—A. I stated it at $10,000; that was as near as I could then estimate it, and it was very nearly correct; or that our investments would be perhaps from $55,000 to $60,000.

Q. Did you not make a remark of this sort to the Commissioner when he said that Barker could command some capital, but Meeks was a poor man: "So Barker is the only man there that the three traders can sell to?"—A. Yes, sir; I believe I did.

Q. What did he reply?—A. He said he could not furnish capital to buy traderships, and he said it in a distinct, positive, and short manner; that he was not furnishing capital to buy traderships. I was simply inquiring for information so as to find a way to get out of the trap.

Q. I suppose you became convinced that you were not going to be licensed?—A. I felt a little that way.

Q. What did you say then to the Commissioner?—A. I was looking around for a way to get out, and that is why I asked him those questions.

Q. Did you ask him for an extension of time?—A. I asked him what he would do for us. He said, "We will have to give you some time. Will sixty days' time clean up your business and get you out of the Territory?" I replied that one year could not do it and save us. I said, "We have no one to sell to unless it is to your traders, your appointees, and if you appoint but two men there will be three of us to sell to them, and we can not all sell to them, if any of us can."

Q. What did he say to that?—A. He said he hoped that some arrangement could be made by which we would not meet with loss, and that we should have ample time. I construed that to mean that he would consider that we should have plenty of time to get away; that we would not be hastened, at least, especially if there were but two new appointees; that we being the third and last might possibly remain for a year, or something of that kind. That is the way I looked at it, you know. I so understood it. I only remained two days in the city, and this occurred in the first conversation. The Commissioner asked me how long I should stay in the city, and I said I should stay only until the following day; that I was in a great hurry to get home. He asked me to call again, and I called again the next day. On this occasion we went over the ground about as we had done on the first day, except that the Commissioner asked me a good many more questions and said, "I am a little surprised at what I hear of the amount of business that you men do; but," says he, "you shall have ample time;" and he seemed to feel a little more generous towards me the second day than he had the first day, but he did not fix any time for our remaining then.

Q. Did you try to get any time fixed?—A. I contended for a year's time. I wanted one year in which to have time to look around. I stated to him this fact, that many of our goods were winter stock, a great majority of them were heavy winter stock, and would not sell until the winter time of the year; that they consisted of heavy clothing, and heavy boots and shoes, and goods of coarse material, and that in the heat of summer it would be impossible for us to sell them to the Indians or to force them off perhaps on other traders.

Q. Well, you got nothing except a statement from him that you should have ample time?—A. That is all; he fixed no time.

Q. You went home then?—A. I returned home to the agency as soon as I could. My family was in Wisconsin. I returned there immediately, and then went directly home.

Q. What next did you hear?—A. I reached home, I think, on the 6th of August, and about that time the instructions came to the Indian agent that Hemphill & Woy should prepare to quit the Territory by the 21st of October.

Q. When was it that you were in Washington?—A. On the 16th of July. (Pages 210-212.)

Returning to Darlington, assured that the license would not be renewed, Hemphill & Woy tried to sell their buildings and stock in trade both to Meeks and to Barker. But Meeks was impecunious, and they could get no offer from Barker which would not entail serious loss. Neither Meeks nor Barker would buy the stock at any price, and there was no one else to whom they could sell it, as these two, Meeks and Barker, were to take the place of the three traders who had stores at the agency. Barker offered $3,500 for the buildings, which had cost $13,000 They offered to sell to him at last for $5,000. Barker finally offered to lease the buildings for $1,000 per annum, but as Hemphill & Woy would be obliged to leave the Territory they declined to lease.

Commissioner Atkins came to the agency in the month of November,

and they represented the serious condition of affairs to him, and asked him at that time to relicense them. The Commissioner replied that it was a bad state of affairs, and that he was sorry for it. He did not relicense them, but extended the time within which to get off from the reservation until the 1st of January, 1886. When the 1st of January came both the roads and streams were impassable, and upon the representation of that fact by the agent the time for them to leave and get their goods away from the reservation was extended to the middle of February. Mr. Hemphill then went to Washington and endeavored to get a further extension until April, when the roads and streams would be in such condition that it would be practicable to remove the goods.

Mr. Hemphill was not a witness, being in Wisconsin, and not summoned by the committee; but the result of the application, as stated by Hemphill to Woy, was testified to by the latter, and is not contradicted. It is as follows:

Q. What you were asking for then was not an extension of time to trade but to remove in?—A. Simply an extension of time, owing to the condition of the roads in the country we were going to pass through. While it implied the privilege to trade, we cared nothing for the trade; that virtually was ended for us, but we wanted to trade so as to be able to collect what was due us, if anything could be done of that kind.

Q. Did you get that permission?—A. Yes, sir. Mr. Hemphill went to Washington and talked with the Commissioner, and he said that we should remain until the middle of February, and that by that time the water would be down so that we could get away.

Q. Do you know yourself whether there was any consultation between the Commissioner and the Secretary as to that last extension?—A. I do not know anything about it only what my partner would state in the matter, and what he stated to me, that he thought we ought to stay until April, until the roads would dry down and until we could get out comfortably in warmer weather, as it would be a tedious journey for our families, and he begged that time to be extended until April, and the Commissioner was inclined to give it, and partially consented to do it, but jumped up hastily from his seat and said, "Wait until I speak to the Secretary of the Interior for a minute," or words to that effect, and he went out and came back and said in an excited manner, "The Secretary says that you must go at once, that your time has been extended already and that you must go at once, but," he says, "if it costs me my office you shall stay until the 15th of February." That is what my partner told me, and what I presume he will tell you.

Q. At that time you left the Territory, did you?—A. Yes, sir; we closed our doors then, boxed our goods, and commenced loading and shipping them away.

By Senator BLACKBURN:

Q. When was that?—A. After the 15th of February; we closed that day. (Pages 217, 218.)

The difficulty of removing the goods, and the financial result is thus stated by the witness:

Q. What was the result, financially, so far as you were concerned?—A. The result was that during the time we were reducing our stock we did not pretend to sell it for what it cost us. We gave it away and disposed of it in any way we could, as we did not feel that it was of any use to try to get it out, a great deal of it, of any consequence, and we reduced our stock to perhaps $10,000 or $12,000. It was not invoiced; we did not invoice it. We invoiced it the last of January and we staid there until February 15, and we reduced it below that. It was something over $13,000 in January, and we reduced it some more, and the remainder we brought over here. Our creditors were excited and commenced to press us, and the result was we had to go in and make an assignment of it to save its being attached for debt, and put it all under assignment.

Q. And have you been trying to sell it out here, at Arkansas City?—A. Yes, sir; it has been sold.

Q. With what result?—A. I scarcely know. The court appointed an assignee who went on and sold it for something over $3,000; that is what it nets, I believe—$3,200 or $3,300.

Q. What did it cost to bring it up here?—A. It cost, I think, nearly $400, perhaps. We paid from $1 to $1.25 a hundred for the freighting, by Caldwell, here.

Q. What became of your buildings?—A. They remained there, those that are not

burned down, but there was one barn, one of the old corrals, which was formerly the old store before we built the new store, which was burned recently. That old store was a good picket building, with a shed in addition, and was originally a trader's house, but we coverted it into a barn and store-room, or something of that kind, at the back end of the lot.

Q. What became of your new store-house?—A. That stands there about as we left it, empty.

Q. Is the Government using any portion of your buildings?—A. The agent told me that he had taken the privilege to pack the bacon in the cellar, several car-loads of spoiled bacon, and put on top several car-loads of ashes that he had to preserve it.

Q. He did not do that in pursuance of any arrangement with you?—A. No, sir; not from any consultation with us, except that we turned the key over to him when we left there.

Q. Have you any means of disposing of your buildings at all?—A. No, sir; not in any way.

Q. Was there anything due you from the Indians when you left there?—A. Yes, sir; there was about $8,000 due us. The books show perhaps nearly $9,000 of uncollected debts against the Indians and others.

Q. What has become of that?—A. We have never looked after it at all. I spoke once or twice to the agent about it, and he said the Indians were without money or means, and he said it would be impossible to collect a dollar of it.

Q. Do you think you could have collected it if you had been permitted to remain there?—A. We could have collected some of it as soon as they got their money, of course.

Q. Did it consist of old accounts, or what?—A. There is about $3,000 of accounts; $3,000 to $4,000 that were Candee's accounts, made in 1881 and 1882, before I went there.

Q. That, practically, was not worth anything?—A. I can not say there was that much uncollected. We had collected some of these old accounts, but that was what it was when I bought in. We collected nearly half of these old accounts and also extended others and kept the account even, or made it greater than it was then.

Q. What proportion of that $10,000 do you think would have been collectible if you had been permitted to remain at the agency?—A. Under the existing circumstances now, as they have turned out, I think the possibilities are that we never could have collected perhaps over the half of them, if that. (Pages 218–219.)

The investment of Hemphill & Woy in their business was stated in an affidavit of Mr. Hemphill, forwarded to the Commissioner when Mr. Woy was in Washington seeking a renewal of the license, in July, 1885, at over $55,000, and was practically a complete loss, resulting from the refusal of the Commissioner to relicense them.

Barker bought a new stock of goods and went into trade. He bought the store-house of Reynolds, Doty & Hubbell, they having failed to obtain a license, and about $1,000 worth of their stock. The loss of Reynolds, Doty & Hubbell on the store-house was about $1,500. They were obliged to remove the goods which Barker did not purchase to Caldwell, Kans., and to lose a large portion of the debts due them from the Indians. The entire loss of the firm is stated at between $10,000 and $11,000. Reynolds was a man of some means, and subsequently, through the influence of Saint Louis friends, succeeded in obtaining a new license to trade at the agency. But Doty and Hemphill were completely ruined financially. Hemphill and Woy each lost the entire savings of a life-time and are bankrupt, Hemphill being now dependent on the charity of friends for support.

When Hubbell, in July, 1885, found that the license of Reynolds, Doty & Hubbell was not to be renewed he went to Washington to see the Commissioner, in the hope that he might obtain a renewal. He had been a Democrat, although trading under a Republican administration, and his efforts to obtain a renewal are stated by him in the following testimony:

When I arrived there I had an interview with Mr. Atkins, the Commissioner of Indian Affairs.

Q. Were you acquainted with him?—A. No, sir; but I was introduced to him by Mr. O. O. Stealey, of the Louisville Courier-Journal.

Q. What did he say?—A. He talked like he was going to make a clean sweep at the start. I staid there about a week and talked with him about every day, and brought in some recommendations and papers that I had gotten together.

Q. Did you inform him of your politics?—A. Yes, sir; I told him I was a good Democrat. One day when I was talking to him I told him I did not feel like going until I got a definite answer one way or the other, and he said, "Well, you can go home, and if I find there is business enough there for three traders we will give you the third tradership; at any rate," he says, "we do not intend to harm you, and you shall stay there long enough to get your business in shape and get out of it without any loss of money." That promise was made in the presence of Mr. Andrews, who was then appointment clerk in the office.

I went home feeling like I was in pretty good shape anyway, and we did not make any stir about it until along about the 1st of September, I think it was. However, previous to that, the Commissioner had extended the licenses of all the traders there until the 21st of October, without any particular application. That had been done before I reached Washington. But along in September there came a telegram from Acting Commissioner Upshaw to the agent about the matter. I may be wrong in some of these dates, for my memory is not very clear about it. But he telegraphed to the agent to know what steps Reynolds, Doty & Hubbell were making to get off the reservation. That was an astonisher to us after the promise that had been made. We had been looking for a license, or an extension, or something of the kind. We then wrote some letters to Washington, and we found that the Commissioner was off in the West here inspecting schools. However, I got track of him and I started to try and catch him before the 21st of October. This was along about the 1st of October. But I missed him. I went up to Halstead, where he had been to a school the day before, and found he had skipped for Arizona. So I missed him, and I had to wait until he got around to the agency. He did not get around there until after the time was up, and we could get no satisfaction from Washington; the word from there was that we had to get off promptly on the 21st. (Page 396.)

C. Y. Meeks, the personal friend of Commissioner Atkins, who was licensed to trade at Darlington as one of the two traders who were to succeed the three who had been there formerly, commenced negotiations under his license by a proposal to Mr. Hubbell to allow Reynolds, Doty & Hubbell to use his license, under which to carry on their business, without the investment of any capital by him and without his personal attention to the business, for a share of the profits. This was declined by Hubbell, and Meeks then made an arrangement with Hays, the other trader at that agency, by which Hays was to use his license to do business under the name of Hays & Meeks, the entire money for the business to be furnished by Hays, and the business to be conducted by him, and Meeks to receive for the use of his license the sum of $2,000 per annum. This arrangement continued for six months, when the license to Hays & Meeks, which had been substituted for a license to Meeks, expired by limitation. One thousand dollars was paid by Hays to Meeks for the use of his license during that six months. Meeks was not present at the agency, and insisted that in purchasing goods in the name of Hays & Meeks Hays should inform the persons of whom he purchased that he alone was to be responsible for the debts thus contracted. At the expiration of the license it was not renewed.

The Commissioner, it is believed by the committee, was informed of the arrangement between Meeks and Hays as early as August or September, 1886. It was not revoked by the Commissioner upon ascertaining the facts, but Hays was suffered to continue the business until the expiration of his license.

SAC AND FOX AGENCY.

William R. Little was a trader at the Sac and Fox Agency. He was licensed first in his own name, and then his brother becoming interested with him, they were in 1884 licensed under the firm name of William R. Little & Co. The license expired on the 8th of September, 1885. Little was a young man about thirty years of age, a native of Rock Island, who

commenced life as a stock herder at $10 a month; afterwards became a clerk at the Pawnee Agency at $40 per month; was industrious and economical; and as a result of several years' services saved up from his wages about $1,750 with which, having obtained a license, he started a trader's store in 1882. He was successful in his trade, and had at the time of the expiration of his license stock in trade to the value of about $3,800, and about $15,000 due him from the Indians for goods sold them. The annuities due to the Indians at that agency were payable semi-annually, but had been delayed, so that no payments had been made for twelve months, which accounts for the large amount of debts due from the Indians.

In the month of August, prior to the expiration of the license, he made an application for the renewal thereof, but was notified that it would not be renewed. About the time of its expiration, H. L. McClung, of Knoxville, Tenn., and R. N. McClung, of Terrell, Tex., came to the agency and informed Little that they had a letter from A. B. Upshaw, Acting Commissioner of Indian Affairs, to the effect that they could have an exclusive license and right to trade at the agency. The letter was produced and read to Little. Thereupon Little made an arrangement with the McClung brothers to sell to them his goods and building and agreed to take charge of their business for them at $1,200 a year. The arrangement was that the McClung brothers would get him permission to continue the business until the 1st of January, when they would come and pay him the money for the same, reckoning the value of the goods at cost with carriage added, and the building at cost.

Little, relying on the good faith of the McClung brothers, continued the business, his time being extended by the Commissioner.

While the McClungs were there making the arrangement with Little, Little received a letter from his sister in Bloomington, Ill., informing him that John Eddy, of Bloomington, had been licensed to take the place of Whistler, Pickett & Co., who were also old traders at that agency. Little showed the letter to one of the McClungs, and told him there must be some mistake, as the letter which he had seen from Acting Commissioner Upshaw said that the McClung brothers were to have the exclusive trade at the agency. Little informed McClung that the Commissioner was coming to the agency that evening; and McClung waited and had an interview with the Commissioner, after which the two brothers saw Little, and one of them said:

> We have seen the general (Commissioner Atkins) and he says that John Eddy is licensed to trade here at Sac and Fox; that there is a mistake, and that he will at once, when he gets to Washington, send him either to Shawneetown or Wellston; that we have been promised this place and are going to have it.

He further said:

> Boys, you can rest assured that all is straight that we tell you. (Page 189.)

The same evening one of the McClungs came to the store and said to Little:

> Now, you go on and order some more goods, and keep your stock up until we come here, and we will take everything off your hands at cost and carriage, and we will be here the 1st of January. (Page 189.)

They went away the next morning, and Little afterwards received a letter from one of them, saying that his brother had been to Washington to see the Commissioner. In the letter he wrote:

> Everything will be all right, Little; just continue as you are doing.

That was the last that Little heard from the McClungs.

They had represented that their father and the Commissioner were old schoolmates, and that the place had been promised them on account of the intimacy between their father and the Commissioner.

Two weeks after the McClungs were there, John Eddy came to the agency, and said that he was licensed to trade there, and wanted to make some arrangement with Little for his business. Little declined because he had made the bargain with the McClung brothers. While there Eddy made a proposition to Little, to use his license under which to carry on the business, and asked Little what he would be willing to pay for the use of the license. Little declined to make any arrangement. Little notified McClung that Eddy had been there. On the 1st of January, the time to which his license was extended, he closed the store. A payment to the Indians came on the 5th of January, but all that Little could collect of the $15,000 due him, his store having been closed, was $2,500.

Eddy had then made some arrangement with Whistler, Pickett & Co., or it was understood at the agency that he had done so, though it subsequently appeared that he put no money into the concern. Little went to Washington, told his story first to Mr. Upshaw, the Assistant Commissioner, from whom he got no consolation, and afterwards to Commissioner Atkins, who informed him that he could do nothing till he had heard from the McClung brothers. The Commissioner sent a telegram to one of them, and after about ten days received a letter from them confirming Little's statement, but declining to carry out the agreement which they had made with Little, presumably upon the ground that the license to them was not exclusive, and that Eddy claimed to have made an arrangement with Whistler, Pickett & Co. The Commissioner then told Little that he should have his license; that he saw he had been misled by the McClungs.

In the same conversation the Commissioner asked Little whether Eddy was then at the Sac and Fox Agency. Eddy had returned to Bloomington, Ill., staying at the agency but a few days. The interview between the Commissioner and Little, and the statement made by Little about Eddy, is detailed by Little as follows:

> General Atkins got up and said, "Little, I have a letter from the agent, a very nice letter, about you, and also one from the McClungs, and I see you have been misled by the McClungs." He says, "You shall have your license." So I went then right down to General Upshaw and told him, and he said that he would issue the license, and went to looking over a bond that was dated back some time, and he said I would have to make a new bond. I told him I could do that. So I went right up to the Commissioner and told him I would have to make a new bond, and he says, "You go right home, Little, and make a new bond and carry yourself like a man, and everything will be all right; and," he says to me, "look here," he says, "I just want to ask you a few questions." He says, "What about this man Eddy; is he down at Sac and Fox?" Said I, "No, sir; he is not." He says, "Well, he has got a license to trade there." Said I, "I understand he has." He says, "Who is running the business there?" I said, "The old parties, Whistler, Pickett & Co." He says, "Isn't Eddy there?" I replied, "No, sir; he is not." Said he, "Where is he?" "In Bloomington, Ill.," I says. He says, "Do you know that Whistler, Pickett & Co. are running the business?" I said, "I think they were when I left. The old employés are still in the store, and there was no change made at all." "Well," he says, "if Eddy is not there attending to his business I will make him go there." He says, "Will you please put it in writing what you know about it?" I said I would. So I went right over to the office with Mr. Ellis, and I just told him what I knew about it, and he wrote it down, and we went in and gave the statement to the Commissioner. (Page 194.)

Little returned to the Sac and Fox Agency, and soon after the agent there was notified to have Little close his business and leave the Territory, the reason given for the order being that Little had made a false

statement as to Eddy not being at the agency. The store had been opened by Little upon his return, by authority of the Commissioner telegraphed to the agent. The store was finally closed July 15, 1886, by an imperative order from the Commissioner sent to the agent, directing that Little should be put out of the Territory at once. The ground upon which Little's statement was claimed by the Commissioner to be false was that Mr. Upshaw, the Acting Commissioner, said that Mr. John H. Oberly, at whose request Mr. Eddy was appointed, claimed to be receiving letters from Eddy, dated at the agency. The matter was afterwards investigated at the Sac and Fox Agency, and it was found that Little's statement was true; but Little was not relicensed, and no reparation was made. He was financially ruined by reason, in the first place, of having trusted to the McClung Brothers, and, in the second place, for having told the truth to the Commissioner about Eddy when asked by the Commissioner.

If Eddy ever had any arrangement with Whistler, Pickett & Co., it was given up. He did not continue the business, and either resigned or his license was revoked. The agent was directed to put Little off the reservation; and Little thereupon sold his goods to the chief of the tribe, who had the right to trade without a license, at a nominal price, and lost about $8,000 which were due him. He settled with his creditors for 33⅓ cents on the dollar. Through the intercession of friends, he was permitted by Commissioner Atkins to go at the time of two subsequent payments to the Indians to see if he could collect what was due him, and has never since been allowed on the reservation. There were no charges whatever against Little as regards the conduct of his business.

THE OSAGE AGENCY.

The amount of trade with the Indians on the Osage Reservation is greater than upon any other reservation. There are between fifteen and sixteen hundred Indians, including full-bloods and mixed-bloods, about twelve hundred being full-bloods. The reservation is a large one, containing about 1,500,000 acres. The Indians, divided into seventeen bands, are scattered over the reservation. The annuities paid to the Indians amount to something like $200,000 per annum, payable in quarterly installments.

When Commissioner Atkins assumed control of his office there were seven traders' stores in all upon this reservation; five of them were situated at the agency proper, and two at a place called Gray Horse, about 25 miles distant from the agency. The two stores at Gray Horse were those of Finney & Schiffbauer and Bartles, Wismeyer & Bird. The firm of Wismeyer & Bird, and the firm of Bartles & Pratt, had stores at the agency. Bartles and Bird and Wismeyer joined their interests, and had what they called a branch store at Gray Horse, and had a license for the same.

Between four hundred and five hundred full-blood Indians lived in the neighborhood of Gray Horse; about three hundred more resided in another part of the reservation, near Hominy Creek, about 25 miles distant from the agency and from Gray Horse; and the rest of the Indians lived where it was convenient for them to trade at the agency. The trade at Gray Horse, when these two stores were there, amounted to something like $80,000 per annum. The establishment and continuance of stores at Gray Horse had been for a number of years a fruitful source of contention among the traders, those licensed to trade at the agency feeling that they had a right to their share of all trade on the reserva-

tion, while those licensed to trade at Gray Horse obtained practically the exclusive trade of nearly half of the full-blood Indians. Trade with the mixed bloods was not considered desirable, as they were not entitled to annuities.

In September, 1885, R. E. Bird, of the firm of Wismeyer & Bird, and also of the firm of Bartles, Bird & Wismeyer, went to Washington to secure a renewal of his license at the agency. Wismeyer at this time had sold out to Mr. Hixson, and the firm was Bird & Hixson. The license to trade at Gray Horse had not expired, but Bird had a conversation with the Commissioner about it, and the Commissioner informed him that the Finney & Schiffbauer license had expired, and would not be renewed, and that it was his intention to abolish the "outside stores." Thereupon Bird told the Commissioner that if it was his intention to abolish the stores at Gray Horse he might cancel the license of Bartles, Bird & Wismeyer at that place. When Bird returned home he removed his goods from the Gray Horse store to the agency, leaving Finney & Schiffbauer only there in trade; and they had been notified to move back to the agency on the 1st of January next following.

H. P. Branham, of Oxford, Miss., obtained a license in December, 1885, for two stores—one at the agency and one at Gray Horse—in connection with Schiffbauer, the firm name of the licensees being Branham & Schiffbauer. Branham had been a partner of Secretary Lamar in his law firm of Lamar, Mayes & Branham, and was a nephew of Secretary Lamar's first wife. The Secretary had had no active interest in the firm since 1871. The manner in which Branham obtained his license is stated by him as follows:

Q. As it does not appear on the list which has been furnished to the committee, will you please state who recommended you for the position of Indian trader?—A. No one that I know of. I can give you the history of it, how I got it, if you desire.

Q. Do so, if you please.—A. Some time in November, about the 1st of November, I think, in 1885, I received a letter from Mr. John N. Florer, of the Indian Territory, stating that he had understood that I might like to engage in trade as a trader in the Territory, and telling me that if I could get a license with him at the Osage Agency, that the firm of Finney & Schiffbauer had a store at Gray Horse, and if the two could be combined he thought a good deal of money could be made out of it. His letter painted it in very glowing colors. Up to that time the thought of an Indian tradership had never entered my mind. I can say I had never met Florer before or heard of him, but it seems my brother-in-law, the physician at Kaw, to whom he applied first to receive his position, got in with him and told him that perhaps I might like it. When I got that letter I telegraphed to the Secretary of the Interior, in substance to this effect: "Can I get a license as Indian trader at Osage Agency and at Gray Horse, Osage Reservation? Answer immediately." The next day I received an answer, which was in substance this, and the words, if I can remember distinctly: "I can not answer immediately. Write me fully what you want." I then sat down and wrote to the Secretary in full that I had received this letter from Mr. Florer, gave him the substance of its contents, and told him what I wanted was a license, in conjunction with Mr. Florer and Schiffbauer & Finney, for those stores.

I never heard from him afterwards, but a few days after that, probably a week or a week and a half, I received a letter from General Upshaw, in which he said that my letter to the Secretary had been referred to him; that owing to the long and intimate friendship that had existed in our boyhood and young manhood that he was anxious, of course, to do anything that he could consistently for me, and if he could give me what I wanted that he would do it. But he seemed to recommend other points for me than Osage and seemed to desire that I should accept one at Kaw or one at the Lower Brulé Agency, or leave the matter entirely in his hands and let him select something for me. He said that he did not see that I needed any partner.

He went on, however, to state that he could not license Mr. Florer, because Florer had previously to that time sold his good will to a gentleman named Davidson, which had been transferred to Bird & Wismeyer, and Bird & Hixson claimed that the time had not expired; that he could not assist Florer, nor could the Department countenance a violation of that contract.

In the mean time I received a letter from Florer urging me to come out here and look at the matter to see if I wanted it, which I did. I came, and Schffbauer and I

went on to Washington to see what could be done. The day we reached there was the morning of Vice-President Hendrick's funeral. The Secretary was absent at Indianapolis, and all the Departments were closed. The next morning I went to see General Upshaw first. He asked me, the first question, if I intended to come out here. I told him I did not. He said that General Atkins required all traders who were licensed to give their personal attention to the business and to be here. I told him that that knocked the bottom out of it with me, for I was not coming. "Well," he says, "let us go and see the Commissioner. He has been running the Osage Agency and has made the appointments there, and I would rather he would settle the question himself." So we went up to see General Atkins.

Q. He told you the Commissioner had been running the Osage Agency? Does not the Commissioner make all the appointments?—A. Yes, sir; but General Upshaw had been Acting Commissioner in the Commissioner's absence just previous to that time, and the Commissioner had gotten back. We went to General Atkins's office and I told him what I wanted; that I wanted a license for Schiffbauer and myself at Gray Horse and at Osage, two stores combined. He objected to putting two stores in one license and wanted me to take one store alone. I told him that I had never been a merchant and knew nothing about merchandising or anything about Indians, and I was not willing to embark in that sort of enterprise alone without the assistance of some man who had some experience and knew something about it.

He still objected to putting two stores in one license. I said to him that if he could give Schiffbauer a license for one store and could give me a license for one store I did not see why, if we preferred it that way, he could not give the two together; that it would amount in substance to the same thing. He said it was not customary and he could not make any exception in my case to any regulation. I told him certainly not; that I was not a man that any exception ought to be made in favor of. He said he knew that.

He then turned and asked me if I was going out there. I told him I was not. He said, "You will have to take your family and go there." I said "General, I would not do that; I would not carry my family there for the whole Territory." He says, "That settles it, then."

Before that, though, he asked me about the Gray Horse store. I told him this: That when I came here I went first to Gray Horse, and then I went to the Osage Agency and there I saw Agent Hoover, the agent of the reservation. My visit there was to him especially. I made an appointment to meet Agent Hoover in his office at night at Osage. I told him that I was going on to Washington, and that I was going to try to save that Gray Horse store for those gentlemen. I did not tell Hoover I was going to apply myself for a license anywhere, but that I was going to try to help those gentlemen save their store, and inasmuch as he was agent there I wanted to know what he thought as to whether or not the store should be there.

He told me that he did not wish to be placed in the attitude of volunteering advice to the Indian Department, but that his opinion was that the store ought to remain there; that it was a convenience to those Indians and almost a necessity, and that he knew very well that if he was to remain and live anywhere in that country he would want the store to be there, and it ought to be there; that judging of the Indians by himself he thought it was a convenience to them and ought to remain.

I stated all that to General Atkins. He told me he had intended to abolish the store at Gray Horse; that it had been represented to him that the Indians were kept out there away from the supervision of the agent. I told him that to remove that store would be in my opinion a very great hardship to the Indians: that it was 25 miles from the agency or from any other store; that it meant that every Indian who wanted a pound of meat or a sack of flour, or anything to eat or wear, had to come from 20 to 40 miles for it and haul it from 20 to 40 miles back in a wagon, that it was a hardship to them.

I told him, furthermore (and that is the case), that there were times in the year when it was impossible for those Indians to get to the agency; that the roads were in such a condition as to make them almost impassable at times, and in winter that the weather was very severe out here at times, and besides that, that in times of freshets there were creeks to cross between there and the Osage Agency which became impassable.

After considering the matter he told me this: He says, "If you will go to Gray Horse and take that store, under all the circumstances, what you say, and the agent wants it, I will reconsider my determination to abolish it." I told him I did not want the Gray Horse store alone. "Well," he says, "that is all I can do." I thanked him and left the office.

I went back to Schiffbauer and told him that it could not be done; that was at dinner. I said to him, however, that I had made a trip out here and from here to Washington, and that I was done with it and was going back home to practice my profession. I told him that General Atkins could make no exception, of course, in my favor, and that I could not agree to his regulations to come out and take the store

alone, and that I was out of it and done with it, but that I was not willing for him to go back empty-handed, and I now wanted to try and save the store for him.

I got Schiffbauer to go with me to General Upshaw's office immediately after dinner, and I told General Upshaw in substance about the same thing, that I could not agree to what General Atkins wanted; that he did not want to give me what I wanted and I did not want to take what he could give me; that I was done with it and he could consider me out, but that I had been here and made inquiries in regard to Schiffbauer's character and I could not see any reason why he could not have the store; that his property was out there at Gray Horse and I could not see why he should not keep the store at Gray Horse, or at least be permitted to haul his property into Osage and keep the store there, as General Atkins had told me that if he abolished the one at Gray Horse he intended to establish one at Osage; that he must have that many stores on the reservation.

General Upshaw told me to come back about 3 o'clock. We went back at 3 and he said, "I have not had an opportunity of talking to the Commissioner; come and go up with me to the Commissioner's office." We went up into the Interior Department, and when we got to the door I said to General Upshaw, "You go on in there and talk; General Atkins don't want to see me any more," and I walked into young Mr. Lamar's office, the private secretary to the Secretary, and General Upshaw went into the Commissioner's office.

In a little while General Atkins came into the room where I was talking to Mr. Lamar, jr., and says, "I have been thinking about what you said to me, and after considering the whole matter I do not see why, if I could give you a license at one place and Schiffbauer one at another, it would make any difference to give both of you the two stores together, and I will do it if you will take your family and go out there and attend to it."

I hesitated a while and finally I said, "It makes no difference to you, General Atkins, whether I take my family or not if I go myself." He said it did not. I told him that I would consider it and thought that I would accept and try it. He says, "If you do, send on your bond and the license will be issued." That was the way I got it, sir.

Q. While in Washington seeking this position, had you any conversation with Secretary Lamar about it?—A. For about five minutes during my visit there I saw the Secretary. While General Upshaw was talking to the Commissioner the Secretary sent for me. I went into his office and found he was engaged in talking to General Walthall and General Catchings, of Mississippi, and Congressman Lowry, of Indiana—I was told it was him. After those gentlemen left I sat down on a sofa, and I was not in the room more than five minutes. The Secretary came up to where I was and shook hands with me and says, "Have you and Atkins fixed up your matter?" I said, "No, sir." He said, "What is the matter?" I said, "General Atkins had some regulation that I did not know anything about or I would not have come on, and he doesn't want to give me what I want, and I don't want to take what he wants to give me, and that is the end of it." He said, "I am sorry." I said, "It doesn't make any difference, I will go back home." Just then we were interrupted, and that is every word that has ever passed between us as to a license there or anywhere else.

Q. You were an old friend of General Upshaw's, you say?—A. Yes, sir; I have known him for twenty years. (Pages 370–373.)

Branham staid at the agency store, and Schiffbauer staid at the Gray Horse store. This continued until about the time of the expiration of the license for the two stores, when Commissioner Atkins came to the Osage Agency, and had a conversation with Branham, which is stated by him in the following language:

It was General Atkins. He said, "I have determined to break up totally all branch stores; they give me more trouble than all the balance—not the stores themselves—but when one man has it everybody else wants one, and I have determined to break them up all over the country, and I would prefer not to renew any more licenses of that kind. Now, I wish you would take a store either here or at Gray Horse, and you can have which you please." I told him, of course, I would take the one at Gray Horse. I said, "General, you will give us until our license expires, will you not, to make the change?" He says, "I have given every Republican and everybody else that privilege, and I do not think I will deny it to you and Schiffbauer. You can have until your license expires to make the change." When the license expired the change was made.

Q. But you say that Schiffbauer did not want to sell out at Gray Horse?—A. Not at Gray Horse; no, sir.

Q. Did you make him sell out?—A. I simply told him what the Commissioner said, that was all, and he sold out; that he would not renew that double license any more.

Q. Would he not renew the license at Gray Horse for both of you?—A. He probably would have done that, but I did not ask him to do that. What he would have done in that respect I do not know, but perhaps I can throw some light on it in this way; I said to General Atkins in the interview up there with Hartley, "Well, I can just turn the Osage store over to Schiffbauer?" He said, "Certainly." When he came down town, however, it seems that some one had told him that Schiffbauer was not a Democrat, and I asked him again when I went to say good-by; I said, "General, I will just turn the Osage store over to Schiffbauer and I will take the Gray Horse store." He said, "Is Schiffbauer a Democrat?" I said, "I do not know; he tells me that he is, and I believe what he says. Others say that he is not." "Well," he says, "I can not promise about that." He told me it was not because Schiffbauer was a Republican, as he told me in Washington; that he had granted as many licenses to Republicans almost as to Democrats; that it was no *sine qua non* to him that a man had to be a Democrat, but inasmuch as Schiffbauer had been represented to him as a Democrat and others denied that he was, that he wanted to know if he had been acting perfectly open with him, and he would wait to find that out before renewing his license.

I told Schiffbauer in regard to that, and he still said he was a Democrat. I said, "Schiffbauer, come, go on to Washington, and you can get your license at Osage without any trouble; I am confident you can get it. Come with me and you can go there and can state to the Commissioner what you say, and I have no doubt in the world you will get it." He said he thought he could get it himself, but he did not want the Osage store if it was not connected with the Gray Horse store.

When I went on to Washington, in my conversation with General Atkins, I spoke of this matter—no, when I was going to sell out to Brenner—he says, "What about Schiffbauer; doesn't he want that store?" I told him Schiffbauer said he did not want it, but was willing to sell to Brenner. He says, "Under those circumstances, then, if Schiffbauer does not want it, you can sell to Brenner." I said, "I am glad to hear that, general, because Schiffbauer felt a little sore over what you told me, and I told him that I knew he could get his license if he would come here and ask for it, and I am glad to be able to tell him that I was correct." He says, "You were correct, and if he wants it he can get it yet. If he does not want it, Brenner can have it." That is all I know about whether he would have issued a license or not. (Pages 375, 376.)

Branham thereupon sold out the store at the agency to Harris Brenner, of Oxford, Miss., and insisted on Schiffbauer selling out his interest in the Gray Horse store to him. The arrangement between Branham and Schiffbauer was that Branham should receive from the net receipts of the business, before the profits were divided, the sum of $2,000, after which the net profits should be divided equally between them. It was claimed on the part of Schiffbauer that this arrangement, by which Branham was to receive $2,000 before the profits were divided between himself and partner, was in consequence of his license and his influence with the administration. This is denied by Branham, and his statement of the reasons for the same is given by him in the following testimony:

Q. When you made that partnership with Schiffbauer how long did you expect it was going to continue?—A. I expected it would continue as long as there was a Democratic administration, sir.

Q. But in fact it terminated at the end of the year?—A. Licenses are always issued for one year. I thought it would be renewed.

Q. And you supposed at that time when you made the partnership that it would run during the administration?—A. Yes, sir.

Q. Was this $2,000 that you were going to take a sum which you expected to take out of the profits of the business during the continuance of a Democratic administration?—A. It was to be an annual payment of $2,000 as long as the partnership existed.

Q. And if the partnership had existed three years it would have been $6,000 that you would get more than Schiffbauer would get?—A. Yes, sir.

Q. What reason was there for that?—A. It came up in this way, sir: When General Atkins told me in the room of Mr. Lamar, jr., that if I would go there he would give us the two stores, I went back to the hotel (it was about supper time) where Schiffbauer was, and I told him what the Commissioner had said; I told him the Commissioner absolutely required me to go out there. The understanding was, when Schiffbauer and I applied for this license, that I was to remain in Oxford and practice my profession, where I had a certainty of making a living for myself and family, and that he, who was not engaged in business at the time here at Arkansas City, would

go out there and run the business, I coming out here as often as I thought necessary to look after my interests. That, however, we found was an arrangement that could not be made, as we ascertained that the only condition upon which we could get this license was that I was to give up my practice in Mississippi and come here and make this my residence, and give it my personal attention, which would have been a sacrifice (not contemplated when we applied for the license) of my practice there, which I thought, at a low estimate, was worth $2,000 a year.

I told Schiffbauer that I did not think I was willing to come, and we were considering coming, he saying, coming along, that we could make money out here, that he was certain we could make it. To me it was an uncertainty. I knew very little about it. Finally it was agreed between us that if I would accept what the Commissioner offered us and give up my practice and come here, that the firm of Branham & Schiffbauer would make up the $2,000 that I gave up, and which was not contemplated at the time that we applied for a license, and that it should be taken out of the firm as an expense, in order to let me lose half of it and he lose half. We agreed that the loss of my practice should be borne equally between us, I losing half and he losing half by the amount being taken out as expense, which would make my share of the profits the same; $1,000 to come out of his half and $1,000 out of mine.

Q. You were to take out of the net profits $2,000 a year and then divide the balance?—A. Yes, sir.

Q. Did Schiffbauer give his time to the business as much as you did?—A. He did.

Q. He had had some experience in merchandising, had he not?—A. Yes, sir.

Q. And you had none?—A. None, except a little experience I had in running a drug store once; but that did not amount to much.

Q. You did not give any personal attention to the drug store, I presume, while you were practicing your profession?—A. Schiffbauer had but little experience as an Indian trader; not as much as I thought he had.

Q. His brother was employed there, was he not?—A. No, sir; his brother and himself were once merchants here in Arkansas City.

Q. Was not his brother at either store while you were in partnership with him?—A. No, sir; he was not. His brother was mayor of Arkansas City all the time.

Q. You expected this partnership, covering the two stores, would run during the entire continuance of a Democratic administration; that was your expectation?—A. That was our desire, and I had no reason to suppose that it would not.

Q. Did you not tell Schiffbauer that, situated as you were, there was no doubt that would be the case?—A. I told him that I thought I could keep the license there for us; that we could keep the license.

Q. During the entire continuance of the administration?—A. Or that I could, I do not know which. I know it was my thought at the time that if the Commissioner would license us we would renew our license, if there was no good reason to revoke it.

Q. Schiffbauer then expected, in agreeing to let you take that $2,000 out of the profits, that he would have a business with you during the continuance of the administration, did he not?—A. I presume that he did. He had every right to think so.

Q. Then at the end of a year you told him that he had got to sell out?—A. No, sir.

Q. Did you not, practically?—A. I do not think so, sir.

Q. He did not want to sell out at Gray Horse?—A. Not at Gray Horse.

Q. But you insisted that he should?—A. I mean this: Schiffbauer had every reason to suppose, and so did I, that when the license was granted for the two stores it would be continued that way during the continuance of the administration; but Schiffbauer had no reason to suppose that if General Atkins changed his mind and refused to relicense us together for two stores, that if General Atkins upon consideration determined to break up all branch stores in his Department, that an exception would be made of us, and that we would be continued; and he had no right to suppose that if I had only one store there that it would be divided that way; in other words, that we would be partners in one store, and when they were divided I could take one and he could have had the other. The only difference that was made between Schiffbauer and I in the division was that I got the choice of the two stores.

Q. That is, that he could have the other if he was a Democrat?—A. No, sir; that he could have the other if he had acted openly with the Department and with the administration.

Q. When you came to settle up did he agree to the payment of this $2,000?—A. I have received the $2,000. I got it at the last payment of the Indians, in January.

Q. Did Schiffbauer agree to the payment willingly?—A. At first he did not, but afterwards he said it was all right. At first he objected to it and wanted to see whether we had made anything or not. But after the inventories of both stores were taken and we had sold out the Osage store to Brenner and he saw what we had made, the entire results of one year's business, I spoke to him again about it, and he said, "That is all right; I am willing to agree to that; go on."

Q. At that time did you not tell him that the only question that there could be about it would be whether you took that out of what you were to pay him for his share, or

whether you were to take it out of the collections?—A. No, sir; I did not. I told him this: I told him that, according to the agreement, that $2,000 of expense could have been taken out any time along during the year, and I told him I was going to have it. But I never threatened to take it out of what I was to pay him at all, sir.

Q. But you told him you were going to have it anyway?—A. I told him I was entitled to it and was going to have it.

Q. Did he not object on the ground that you were not entitled to it inasmuch as the two stores were not kept up and the partnership was not continued?—A. He said something about that. He did not say I was not entitled to it, but he said this: He says, "When we entered into our partnership I expected this thing to run along all the time during the administration; I did not expect to have to go out in one year." I said, "Schiffbauer, if it ran one year I was to have the $2,000. If it ran two years I was to have $2,000 each year. If it ran three years I was to have $2,000 each year. As it ran over a year I do not see that that makes any difference. The question is simply, what is to pay for the time we run." (Pages 376–378.)

From the testimony of the traders at the Osage Agency, it is apparent that the feeling among the traders was that Branham was allowed to have the exclusive store at Gray Horse because of his influence with the administration. In the language of Mr. Bartles, one of the traders, the feeling was that Branham was "nigher the throne" than any one on the reservation.

After Branham bought out Schiffbauer at the Gray Horse Agency, he took in as a partner a Mr. Sheddan, who had no money of his own, but borrowed money to purchase half of the business. The arrangement between Branham and Sheddan was that Branham should have a salary of $2,500, and Sheddan of $1,500 per annum. The terms of the agreement between Branham and Schiffbauer, and the subsequent arrangement between Branham and Sheddan, were not known to the Commissioner until brought out in the investigation before the committee, in June, 1887. Branham still retains his license to trade at Gray Horse, and it is undoubtedly the most valuable license at the agency.

Although the Commissioner had announced his intention to abolish the "outside stores," a license was issued to Hale & Phillips to open a new store and trade at Hominy Creek. It was an exclusive license. Phillips was a Tennesseean. The permission to go to Hominy Creek and establish an exclusive store there seems from the testimony of Branham to have been secured in the following manner:

Q. Where is Phillips from?—A. I understand from Tennessee. He told me that himself. I never knew him before I met him at Osage.

Q. Had he ever been in the Territory before he came to Hominy Creek?—A. Hale & Phillips were traders all last year at Osage Agency. They broke up the store there and went to Hominy Creek.

Q. You did not broach the subject to the Commissioner about the Hominy Creek store until after he had spoken to you about it?—A. I did not. It was either in reply to a question of his or a question of John Atkins; I do not remember which.

Q. Who was John Atkins?—A. The son, I think, of the Commissioner. I never saw him before I met him in Washington.

Q. Had he any position there?—A. My impression is that he is his father's private clerk or secretary.

Q. Did you understand that this son of General Atkins was trying to get permission for Hale & Phillips to go to Hominy Creek?—A. All I know is that John Atkins asked me about them. When I went to the Commissioner's office he was busy at the time, and John Atkins saw me. He came to the door and we were talking out in the hall, and something was said, either by Mr. Atkins or myself, I think by Mr. Atkins, who was asking about his friends down here at Osage—or to go back a little: When General Atkins came to Osage, John Atkins came with him, and in that way got acquainted with all the traders and the parties down at Osage, and he was inquiring about them, and when he came to Phillips, and asked me about Hale & Phillips, he asked me what I thought about that store down on Hominy Creek. I think he said he had been an old friend of Phillips, and he said Phillips had asked him to help him get the store and he would like to see him get it if he could. He asked me what I thought about it. I made the same remark that I made about the Gray Horse store and about the Hominy Creek store, and he said, "I wish you would tell my father that.

He is very much inclined to give them that store, and I would like very much to see them have it, and I think if you would tell him that he would probably give it to him, as you know the state of facts down there." I said I did not like to volunteer in the matter, as it was not a matter of mine, but if the Commissioner should ask me my opinion, that I would give it to him. He says, "I am going to make him ask it," or something of that sort, I do not know what. But anyhow we went back there, and in some way Mr. John Atkins brought the conversation around so that the Commissioner did ask me what I thought of establishing that store there. General Atkins asked me then, and said, "Do I understand you to say that you think it is for the benefit of the Indians?" I said yes, that I did. He repeated it: "Understand me, I do not mean for the benefit of any of the traders down there, but do you consider it for the benefit of the Indians? That is what I am looking at solely." I said, "General, I do."

Q. It would be pretty natural for you to suppose so, would it not?—A. Why—that is the truth; yes, sir. (Pages 379–380.)

The licensing of Branham to have the exclusive trade at Gray Horse for his firm, and of Phillips to have the exclusive trade of Hominy Creek for his firm, has very much diminished the amount of trade remaining for four traders at the agency, and has given rise to a great deal of feeling among them. Considerable testimony was taken by the committee to determine whether it was for the benefit of the Indians that the "outside stores" should be established or continued; and in the opinion of the committee it would be better for the Indians that the trade should all be conducted at the agency.

Some other cases of the issuing of licenses to parties who had no means with which to engage in business, and who made efforts to use their license to obtain a profit therefrom without investment of capital or expectation of devoting time to the business, were brought to the attention of the committee, but are not deemed of sufficient importance for extended comment in this report. Such cases are those of George C. Ellison and John H. Halley, the facts in relation to which may be ascertained by reference to the testimony.

In justice to the Commissioner the committee would say that whenever he became fully satisfied that parties licensed had been using their licenses for such purposes he either canceled such licenses or requested the parties to return them; and the facts referred to somewhat at length in this report are not referred to so much for the purpose of criticising the Commissioner as for the purpose of showing that the present system under which trade is conducted with the Indians, and the utter disregard of the principles of civil-service reform in issuing licenses to traders, must inevitably result in a state of affairs detrimental to the service and repugnant to every idea of the proper conduct of official business. So long as it is understood that the position of an Indian trader can be obtained as a reward for political services or upon grounds of personal friendship it must be expected that parties with no qualifications for the business, and whose only desire is to speculate on their licenses, will obtain them. No amount of investigation by the Commissioner who issues them, however good his intentions may be, will prevent this result, if he acts upon the theory that political activity is to be rewarded or personal friendship is to be regarded in the granting of such licenses

Prior to 1876 the law relating to Indian traders was embraced in three sections of the Revised Statutes, as follows:

SEC. 2128. Any loyal person, a citizen of the United States, of good moral character, shall be permitted to trade with any Indian tribe upon giving bond to the United States in the penal sum of not less than five nor more than ten thousand dollars with at least two good sureties, to be approved by the superintendent of the district within which such person proposes to trade, or by the United States district judge or district attorney for the district in which the obligor resides, renewable each year, conditioned that such person will faithfully observe all laws made for the government of trade and intercourse with the Indian tribes, and in no respect violate the same.

SEC. 2129. No person shall be permitted to trade with any of the Indians in the Indian country without a license therefor from a superintendent of Indian affairs, or Indian agent or subagent, which license shall be issued for a term not exceeding two years for the tribes east of the Mississippi, and not exceeding three years for the tribes west of that river.

SEC. 2130. Any superintendent or agent may refuse an application for a license to trade, if he is satisfied that the applicant is a person of bad character, or that it would be improper to permit him to reside in the Indian country, or if a license, previously granted to such applicant, has been revoked, or forfeiture of his bond decreed. But an appeal may be had from the agent or the superintendent to the Commissioner of Indian Affairs.

The officers formerly known as superintendents of Indian affairs, at first numerous, had been reduced in number in the annual appropriation bills until only one or two remained in 1876, and these were discontinued in 1878; so that in 1876 the power to issue licenses had practically come to be exercised by the Indian agents and subagents, and in the Indian appropriation bill in 1876 it was enacted that—

> Hereafter the Commissioner of Indian Affairs shall have the sole power and authority to appoint traders to the Indian tribes, and to make such rules and regulations as he may deem just and proper, specifying the kind and quantity of goods and the prices at which such goods shall be sold to the Indians.

In the opinion of the committee this was not intended in any way to change the character of the statute so far as it related to the class of persons who might trade with the Indians, but simply to vest the power of appointment in the hands of the Indian Commissioner, because the office of superintendent of Indian affairs had been practically discontinued, and it was not thought wise to leave the appointment of traders in the hands of Indian agents and subagents. And in the opinion of the committee any "loyal person, a citizen of the United States, of good moral character," ought to be permitted to trade "with any Indian tribe," provided he can give the bond required by section 2128 of the Revised Statutes.

It can not be possible that it was the intention of the statute to put into the hands of the Indian Commissioner the power to grant the monopoly of trade to the persons whom he might choose to license. The only object of the statute seems to be to make it certain that the licensed trader shall comply with such rules and regulations in the conduct of his business as will protect the Indians from imposition, and tend to their improvement and advancement.

Trade should be free, under such limitations and regulations with the Indians as with other people; and it is believed that no good reason can be adduced why the number of traders should be limited or restricted according to the will or whim of the Commissioner of Indian Affairs among Indians any more than among the citizens of the United States. An Indian community, so far as the laws of trade are concerned, does not differ from a community of white people. Every community, whether it be an Indian reservation or a village of white people, furnishes a given amount of trade. In a village of white people there is no limit to the number of persons who may set up trade within given limits, and no injury results from the absence of such limitation. The number of stores in a community of white people will in the long run be regulated by the laws of trade. If too many of them are established, some of them will have to be abandoned; that is the risk of the trader. Why should it be otherwise in an Indian community? Why should a "loyal citizen, of good moral character," be refused the opportunity to trade on an Indian reservation, provided he complies with the regulations which are considered for the good and improvement of the Indians?

The attempt of the Commissioner of Indian Affairs to prescribe the

number of traders upon a reservation or at any agency seems to the committee to be in direct violation of the natural laws of business. If competition in trade is desirable for the white man, why not for the Indian? The power to regulate prices, to prevent the sale of injurious commodities, is all that is essential on the part of the Government.

To treat a license as an office or as a privilege to be bestowed or conferred upon an individual seems to be unjustifiable, and productive only of unnatural and injurious results. If it be deemed necessary, in order to secure traders among the Indians of proper character, that the licenses should be renewed yearly, the law should be administered in such a way that a renewal of the license should never be refused except upon the ground of non-compliance with the regulations, or upon the ground that the presence of the trader on the reservation was not for the best interests of the Indians. The refusal to renew a license to a trader against whom there is no cause of complaint is an outrage. When the number of traders upon a reservation or an agency is fixed by the Commissioner, to license a new trader in the place of the one already engaged in trade there is to put the old trader at the mercy of the newcomer. No man can engage in the business of an Indian trader with any prospect of financial success unless he has the implied assurance that so long as he conducts himself with propriety and conforms to the regulations of the Indian Office he will be permitted to continue his trade; and such is the spirit, if not the letter, of the statutes in relation to this subject.

The principle of civil-service reform needs to be applied in such cases more than in any other department of the Government. Offices do not involve an investment of money; the person who holds an office may be supplanted without financial ruin. The trader, in a community where the number of traders is limited by law, can not be supplanted without loss; and to refuse to renew a license or to grant one to a new trader simply on political or personal grounds is to cripple or ruin a man because he happens to entertain a political opinion which does not coincide with the political opinion of the licensing power.

In the opinion of the committee, the system is vicious. The fault is not so much in the statute as in the administration of the law. If administered according to its spirit and intent, its practical result would be the continuance of the business of an Indian trader during his good behavior, and that should be the only limitation upon the term of his license. If it were possible to regulate the business of an Indian trader as that of a post trader is regulated, it would be an improvement. Traders are appointed at military posts upon the recommendation of certain officers, who compose what is called a "council of administration." They continue the business until a new appointment is recommended by the council of administration; and a new appointment is seldom or never recommended except upon a voluntary sale by the post trader. If the post trader who wishes to sell and the person who desires to be appointed in his place can not agree on terms, arrangements are made for an appraisal of the property of the post trader; and the person seeking the appointment will not be recommended by the council of administration unless he is willing to pay a fair valuation thus ascertained.

VIEWS OF THE MINORITY.

Mr. BLACKBURN, from the Special Committee on Indian Traders, made the following minority report:

This committee has been in existence through two Congresses. It has had two chairmen. The report which its majority has seen fit to adopt embraces two subjects. The one relates to Indian traderships, the other to timber cutting upon the allotted lands upon the Chippewa Reservation in Minnesota and Wisconsin. These matters are treated separately by the majority, and we of the minority ask the attention of the Senate to them in the order in which they are submitted.

In the light of the testimony, we state the case but mildly when protesting against the conclusions reached in the majority report. That report reads far more like the summing up of a prosecuting lawyer (working for pay) than the findings of a quasi judicial tribunal.

As to the matter of Indian traderships, it may be remarked that the spirit that prompts this report is found in the effort to lug Senator Vest into the matter through the voluntary disclosures of one R. F. Hunter (who appeared in the double capacity of witness and feed lawyer), a disreputable creature who was cashiered and dismissed from the Army because of lack of character, and the persistent parade of every fact, whether based upon evidence of this and like witnesses, and the equally persistent effort to suppress all testimony, whether from creditable witnesses, subpœnaed by the majority, or furnished by the official records of the Indian Office.

It is not unfair to say that Hunter, who was kicked out of the Army, is an average specimen of the witnesses on whom the majority in the main rely, as will appear further on and as is shown by the testimony taken by the committee. As to Hunter's record see pages 101 and 102 of testimony:

[General Orders No. 47.]

HEADQUARTERS, ARMY OF THE POTOMAC,
Washington, November 19, 1861.

Before a general court-martial, of which Lieutenant-Colonel Hannibal Day, Second Infantry, is president, which convened at the corner of Pennsylvania avenue and Seventeenth street, Washington City, D. C., on the 18th day of October, 1861, pursuant to Special Order No. 103, from these headquarters, of October 15, 1861, was arraigned and tried—

* * * * * * *

Before the same court was arraigned and tried First Lieut. Robert F. Hunter, Second Infantry, on the following charges and specifications:

Charge 1st.—"Drunkenness on duty."

Specification.—That First Lieut. Robert F. Hunter, Second Regiment Infantry, while on duty as officer of the day, and in command of a patrol of the provost guard, was drunk. This at Washington City, D. C., on or about the 25th day of September, 1861.

Charge 2d.—"Conduct prejudicial to good order and military discipline."

Specification.—In this, that he, First Lieut. Robert F. Hunter, Second Regiment Infantry, did appear in the streets of Washington City, D. C., while officer of the day,

and commanding a patrol, in a drunken condition, and did so disreputably conduct himself as to make himself the object of remarks and of complaint to the military authorities. This at Washington City, D. C., on or about the 25th day of September, 1861.

Plea: "Not guilty."

The court, after mature deliberation, finds the accused, First Lieut. Robert F. Hunter, Second Infantry, as follows:

Of the specification, first charge, "Guilty."

Of the first charge, "Guilty."

Of the specification, second charge, "Guilty."

Of the second charge, "Guilty."

And the court does therefore sentence the said First Lieut. Robert F. Hunter, Second Infantry, to "be cashiered."

* * * * * * * * *

IV. The proceedings of the court-martial in the case of First Lieut. Robert F. Hunter, Second Infantry, are confirmed, and First Lieut. Robert F. Hunter, Second Infantry, therefore ceases, from this date, to be an officer in the military service of the United States.

V. The court-martial, of which Lieut. Col. Hannibal Day is president, is dissolved.

By command of Major-General McClellan.

S. WILLIAMS,
Assistant Adjutant-General.

Official.

O. D. GREENE,
Assistant Adjutant-General.

Except the seventy odd clerks employed in the Indian Office here at Washington there is not an appointment under the Indian Commissioner that comes under the operation of the civil-service law, nor is there a man in all this country, with intelligence that ranges above the plane of idiocy, that does not know this.

Jackson's appointment was a mistake and was promptly canceled by telegraph when the Commissioner learned the facts.

The minority protest that it was scarcely fair for the majority of this committee to assert that in March, 1885, one-third of the Indian traders in commission were Democrats. The testimony taken shows conclusively that this statement lacks an atom of foundation in fact for its support. The truth would have been more nearly told if it had been said that nine-tenths of the traders, agents, and subordinates in service at that date were avowed Republicans, and it might have been added that for four years of what is termed partisan Democratic administration the majority of these traders and subordinates are still Republicans in politics.

The majority report says:

> It is believed, at the time of making this report, that all the Republicans who, on the 4th of March, 1885, were licensed to trade with the Indians have been obliged to give place to Democrats, and that the doctrine "to the victor belong the spoils" has been carried to such an extent that no person is permitted to get a clerkship in an Indian trader's store unless he is a Democrat.

Atkins says:

> And, sir, when I came into office, if a partisan turn is to be given to the matter, I found a large portion—so far as my information goes almost entirely, in fact—of the traders were members of the Republican party, and I reckon to-day that a majority of them, and a considerable majority, are members of the Republican party. I have licensed anew some gentlemen who are Republicans, as I understand.

It seems a little singular that the majority should have failed to submit to the Senate the fact that in Jackson's case the Commissioner of Indian Affairs very promptly demanded a return of his license and revoked his appointment when advised of his effort to use his license against the capital of old traders, and at the same time the majority

seems to fail to set forth in its report instances with which this testimony is burdened showing that preceding Republican administrations invariably refused or failed to interfere to protect the old trader from the blackmailing demands made by the new appointees. (Sherbourn and others.)

The testimony shows that Mr. Commissioner Price, a Republican head of the Indian Office, was appealed to in vain in the most aggravated case of this species that has yet been unearthed; appealed to, not once but repeatedly, by letter and in person, to save from wreck and ruin a licensed trader who was to be victimized by an appointee of Mr. Price; but the testimony further shows that Mr. Commissioner Price granted no relief. The old trader, as by his own testimony, was wrecked and ruined, under the eye of this Republican Commissioner, because he would not submit to the exactions demanded by the newly-commissioned trader. They were both Republicans, and this instance serves to show what regard a Republican Commissioner had for the rights of an established trader against whom no charges had been preferred. (See case of David Hays, on pages 406 to 415, inclusive, of the testimony.)

The testimony shows that in this flagrant case, after the failure and refusal of the Republican Commissioner of Indian Affairs to protect an outgoing Republican trader, it was reserved to the present administration to save him from absolute bankruptcy, by issuing an order that gave him access to the books of his firm. If the majority of this committee had set forth the testimony in this one case as taken by its own direction, it would have entitled itself to the confidence of fair-minded men. We will not undertake to say what should be the verdict pronounced upon its deliberate suppression of this portion of the proof.

The majority of the committee were only enabled to reach the conclusion that Indian Trader Cleveland had not violated the law by keeping a herd of cattle upon the reservation on which he was a trader by openly defying the testimony in the report and appealing to the presumption upon which they seem to have predicated their action. The proof further shows, beyond dispute or doubt, that this man Cleveland had sold not only his goods but his good will as an Indian trader, and had executed a contract by which he was precluded from further trading upon that reservation; that after pocketing the money he deliberately violated his obligation, and, in the face of protests justly and fairly stated by the purchaser, secured from the Republican Commissioner of Indian Affairs a new license to trade. Commissioner Atkins could not renew Cleveland's license, except by making himself an accessory (when his attention had been called to the record) to an act as faithless and disreputable as ever clouded the reputation of any man.

In the case of C. W. Jacobs the majority state in their report that—

Jacobs was the son-in-law of W. P. Bond, of Trenton, and the letter of Mr. Bond shows that he was an old friend of the Commissioner.

This statement is made in the face of the sworn testimony of the Commissioner, quoted in the majority report, which shows that he did not know Mr. Bond, except by reputation. But in the light of the innumerable distortions of testimony to which the majority has been driven we are content with simply calling attention to the few instances that are enumerated.

In the Hays case the uncontradicted testimony shows that Meeks's license was revoked promptly by the Indian Office upon being informed of the facts, although the majority have seen fit to state the contrary. (See page 539 of testimony.)

A. B. Upshaw to C. Y. Meeks.

WASHINGTON, *September* 7, 1886.

It is unnecessary for you to come to Washington. Your letter sets forth the facts. Your acceptance of a clerkship upon a license granted you and Hays is against the policy of the Department. You can not be made an exception to the ruling. License will not be renewed to either you or he or both.

A. B. UPSHAW,
Assistant Commissioner.

C. Y. MEEKS, *Henderson, Tenn.*

The conclusions stated by the majority in this, as well as in many other instances, do not seem to correspond with the testimony.

We frankly confess what the record shows, what we had a right to expect, namely, that in the selection of Indian traders the Commissioner, of necessity, made some mistakes. He was selecting these men from all parts of the country. It was impossible that all or any considerable number of them should be personally known to him. He had neither the law nor the precedent established by his Republican predecessor to warrant him in making inquiry as to the financial resources of those who wanted to be licensed. No Commissioner had ever done this before, and to expect it was simply absurd.

It will not be denied by those who have heard or read this testimony, and are willing to state it fairly, that in each and every instance where it appears that an improper person had been granted a license, or where any person had sought to use such license as his stock in trade or capital on which to go into business, Commissioner Atkins promptly demanded a surrender of that license or revoked that appointment by telegram. The record shows this to be true in each and every instance, but the record further shows, unfortunately, that it would not be true to make this statement of Mr. Atkins's predecessors.

As to the Cleveland case upon which the majority seem disposed to lay stress (page 91 of the testimony), it is only to be said that Special Agent Folsom had filed an official report urging the removal of Mr. Cleveland from the reservation. Upon this report of this special agent Commissioner Atkins refused to renew Cleveland's license.

Toward the conclusion of that portion of this report which treats of the Indian tradership, the minority are more than willing to unite in the criticisms passed upon the existing system and the recommendations suggested for improvement. There can be but one opinion as to the fairness of establishing a board of arbitrators or appraisers to value the stock of goods held by the outgoing trader that should be taken at such valuation by the newly-licensed man, nor is there any reasonable objection to be urged to the suggestion submitted by the majority to assimilate to the existing law which governs post traders in the Army. The minority report does not intend to dissent from the conclusions submitted by the majority in favor of unrestricted and unlimited trade on Indian reservations, believing that the universal law of supply and demand should prevail among all races, under a Government that claims to be fair. We fully concur with the majority in bearing testimony to the fact that there is much to be done in the way of remedying the workings of the Indian Office, but we insist that the proof in this regard shows that these evils are rather the result of faulty law than faulty administration.

Under a former Commissioner, or to be more accurate, under former Commissioners, it appears from the testimony that for years at the Cheyenne and Arapahoe Agencies annuities had been disbursed to six thousand Indians, but that under Commissioner Atkins the aid of the Army was invoked to corral, round-up, and count these bands, when it

was discovered that there were less than four thousand in existence. Where the annuities for more than two thousand Indians that were not living went during all these years the majority do not see fit to disclose in the testimony. For fuller information on this subject reference is made to the report of the Commissioner for 1886 and the report filed by Captain Lee, an officer of the Army, in charge of the agency at that time, who had been detailed to this service upon the suspension of an inefficient worthless agent at the Pine Ridge Agency, holding over from a former administration:

In my last estimate for the Indian service I had the honor to recommend that a small appropriation be made to enable this Office to take a census of the Indians. Congress, however, declined to do so. I have concluded to invite your attention again to this matter, so important do I consider it.

The census of the Cheyennes and Arapahoes, taken by General Sheridan in June, 1885, showed that the real number of Indians was much below the number who previously had been supposed to belong to those tribes, and that, of course, they had been drawing rations and supplies largely in excess of their dues. The recent census ordered by this Office under date of May 18, 18-6, taken by Captain Bell, acting agent of the Pine Ridge Agency, shows that there had been carried upon the rolls 2,241 more Sioux than really existed, and that rations had been issued accordingly, that is, as shown by the agency reports rendered quarterly. With a knowledge of this fact, I have fixed a day upon which all the Indian agents on the great Sioux Reservation will be required to take a census of their respective Indians; and it is not improbable that a reduction in numbers, similar to that at Pine Ridge, will appear at other agencies. At this writing the result of the census thus ordered has not been made known to this Office.

I do not doubt that an accurate census would show a decrease in the number of Indians, below the number now claimed, throughout the country, or at least at several of the agencies. The outlay for taking the census is inconsiderable when compared with the great saving it would probably effect. The saving in the two instances quoted—Cheyenne and Arapahoe and Pine Ridge—will amount to a large sum annually.

The Cheyenne Indians, whose reservation, with the Arapahoes, lies in the western portion of the Indian Territory, have for a year manifested a restless and turbulent temper, which threatened for a time to develop into open hostilities. The disposition, movements, and general demeanor of the Indians created considerable alarm, and so clearly indicated that precautionary measures were advisable, if not absolutely necessary, that this Department brought the matter to the attention of the Secretary of War, and urged that measures be taken to meet any emergency that might arise. Inspector Frank C. Armstrong, of this Department, was instructed on June 27, 1885, to proceed at once to the agency and investigate the causes of the troubles. He was authorized to act as a commissioner in counseling and dealing with the Indians. Lieutenant-General P. H. Sheridan, of the Army, was subsequently directed by the President to proceed to the locality, to hear and investigate the complaints of the Indians, and to restore peace and order upon the reservation.

The investigation made by these officers developed the fact that the dissatisfaction of the Indians and their bad behavior were traceable to several causes, the principal one of which was found to be the alleged leases made by the tribe in 1883 with certain parties for the privilege of holding and grazing large herds of cattle on portions of the reservations.

The decision and energy with which General Sheridan brought to bear his military force, and the prompt measures taken by the Executive to remove the cause of irritation, not only restored order, but also inspired the restless and belligerent spirits on the reservation with a wholesome fear of the Government, as well as increased confidence in its justice and good will.

Attention will be called to the subject of these so-called leases in another part of this report.

Capt Jesse M. Lee, Ninth United States Infantry, was designated to execute temporarily the duties of Indian agent for that agency, under the provisions of section 2062, Revised Statutes.

Inspector Armstrong made a count of the Indians present on the reservation, and reported on July 23, 1885, that he found their number as follows: Cheyennes, 2,169 instead of 3,769; Arapahoes, 1,207 instead of 2,198; total, 3,376 instead of 5,967.

The 177 children who were away from the reservation attending industrial schools are not included in the number reported as present at the time the count was made. The annual report of the agent states the number as follows: Cheyennes, 2,282; Arapahoes, 1,327; total, 3,609.

We agree with the conclusion, reached by the majority, that the law itself, and the system under which this portion of the business of the Indian Office, as it has hitherto been conducted, can and should be improved; but we further agree with the conclusions of the majority that it is more necessary to amend law than to criticise official management.

The proof taken by the committee shows that Commissioner Atkins established a new precedent when he fixed a schedule of prices with maximum and minimum figures, and required it to be conspicuously displayed in the store of every Indian trader.

It is with confidence we assert that there is not an atom of testimony taken by the committee that tends to show that every reasonable effort was not employed to guard every interest and right that belonged to the Indian and that every effort was not made to protect, as far as possible and by all fair means, every interest or investment held by traders upon these reservations. Upon the testimony taken, when considered as a whole and fairly measured, we venture the assertion that the Indian Office has never been more fairly and faithfully or efficiently conducted than under the present administration.

JO. C. S. BLACKBURN.
CHAS. J. FAULKNER.

INDIAN TRADERSHIPS.

Testimony taken by the select committee appointed by the Senate under the following resolution:

Whereas it is stated that in the matter of the administration of the powers and duties of the Commissioner of Indian Affairs in respect of the appointment of Indian traders, acts have been done, or permitted to be done, in disregard of law and the rights and proper interests of citizens: Therefore,

Be it resolved, That a select committee of five, to be appointed by the presiding officer of the Senate, be, and hereby is, directed to investigate the subject of the appointment of such traders, the granting of licenses to them, and the refusal to extend such licenses to persons engaged as such traders, and the methods which have been practiced in that regard since the month of April, 1885; and the reasons and influences affecting the several instances of such granting or refusing of such licenses; to whom licenses have been granted since said date, and to whom refused, why granted, and why refused, and whether or not any person to whom a license has been granted has been guilty of conduct or practices prejudicial to the good repute of the public service, and, if so, in what respect, and whether or not the same have come to the knowledge of the Commissioner of Indian Affairs.

Resolved, That in pursuing the said investigation the said committee shall have power to send for persons and papers, administer the necessary oaths, and employ a stenographer, should it be deemed necessary so to do, and such expense as may result from said investigation shall be paid out of the contingent fund of the Senate.

Resolved, That the committee is further instructed to report a bill or bills for such legislation as the investigation may disclose to be necessary and proper in the premises.

Under the foregoing resolution the President *pro tempore* designated the following Senators as members of the select committee: Messrs. Platt, Cullom, Jones (Nevada), Coke, and Blackburn.

WASHINGTON, D. C., *Tuesday, June* 29, 1886.

The committee met in the committee room of patents at 10 o'clock a. m. Present Messrs. Platt (chairman), Cullom, and Coke.

The CHAIRMAN. I suggested to the Commissioner of Indian Affairs that the committee would be glad to have him appear here this morning with a view of asking him some questions that may be necessary as preliminary to the investigation. I think it important for the committee to get at the laws under which these traders are licensed, and the rules and regulations which apply to them. So far as this resolution appointing the committee is an accusation against the Commissioner of Indian Affairs, I do not know whether we should call on some one to make the charge good in the first instance, or call on the Commissioner to deny the charges made.

Senator CULLOM. I think the Commissioner should give us all the knowledge he has about the matter arising under his own administration, so that we can see whether or not it is necessary to pursue the investigation further.

The CHAIRMAN. With the permission of the members of the committee, as Mr. Atkins is present, I will ask him a few preliminary questions which it seems to me are necessary.

TESTIMONY OF J. D. C. ATKINS.

Hon. J. D. C. ATKINS was then duly sworn:

By the CHAIRMAN (Senator Platt):

Question. You are Commissioner of Indian Affairs?—Answer. Yes, sir.

Q. When did you take charge of the Indian Bureau?—A. On the 26th of March, 1885.

Q. Can you give the committee the statute or sections of the statute which relate to the licensing of Indian traders?—A. Yes, sir; I have a copy of it with me. It is the act of Congress of August 15, 1876, which reads as follows: "And hereafter the Commissioner of Indian Affairs shall have the sole power and authority to appoint traders to the Indian tribes, and to make such rules and regulations such as he may deem just and proper, specifying the kind and quantity of goods, and the prices at which such goods shall be sold to the Indians." That is the law under which I act, and that is all there is of it. I know of no other law which limits me in regard to the matter. It puts the whole power into my hands.

Q. Under that statute, how many licensed traders did you find when you came into office; or, if you cannot state exactly, state approximately the number.—A. I cannot state even approximately how many there are, but I should suppose, as there are sixty-odd agencies, and as there are traders at every agency, at some agencies more and at some less, that there were more than that number.

Q. The law does not provide, then, for only one trader at each agency?—A. Oh, no, sir. If the committee desires it, I think I can probably explain the condition of things existing by making a short statement, rather than by answering questions which are put to me.

The CHAIRMAN. I will state what information I desire. I want to know the duties of an Indian trader; how he trades, and what restrictions there are upon him, what regulations; in other words, the whole *modus operandi*, so to speak, of the business conducted by an Indian trader. That is what I want to get by way of general information for the committee. You can make your statement in your own way.

Commissioner ATKINS. Under this law the Indian Commissioner is authorized to appoint what are called Indian traders, in contradistinction to post traders, as the committee well know, who are appointed by the military authorities upon military reservations. The Commissioner is authorized under that law to make rules and regulations governing trade and governing these traders. For instance, I believe the statutes require that no weapons, guns, ammunition, whisky, or anything of that sort, or ardent spirits, should be sold by an Indian trader, and the rules and regulations forbid it. When I came into office it was my purpose, and it is yet, to appoint these traders with an eye single to the interest of the Indians and the service. I had heard a good deal about Indian traders, and that they were making a great deal of money. For instance, it was stated that one Indian trader, two or three years ago, made over $28,000 at a certain agency during one year, and I felt that there shouil be a very rigid regulation with regard to this trade. So I adopted certan rules and regulations (I believe they existed before to some extent, but I am not sure about that) for these Indian traders, and one of those regulations was that every Indian trader should purchase what are called standard goods; that he should publish a list of those goods, and put that list up in three distinct places upon the agency.

Q. The list to be in two languages?—A. Yes, sir; in two languages, the Indian and the English language. I also required them to confine themselves to certain rates or per centages, beginning, I believe, at 20 per cent., with most of the goods at 25 per cent., some at 30 per cent., and in extreme cases (notions, &c., and goods of that description) 35 per cent. was allowed. I did not exceed 35 per cent. in any case.

Q. You mean 35 per cent. beyond the value of the invoices?—A. Yes, sir; beyond the value of the invoices.

Q. Making a different rate of profit on different classes of goods?—A. Precisely. That was suggested to me as wise by a gentleman who had had experience in the matter and by merchants. I instructed every Indian agent to require these traders to put up those lists of their goods upon the doors and public places where the Indians could see them, and to publish also the rates of per cent., and so far as I know it has been done When I came into office two things occurred to me in this connection, and I meditated upon them, consulted in regard to them, discussed them, and turned them over in my mind for a month or two before I settled upon a policy. One plan was to open wide the doors of competition, the object being to get low priced goods for the Indians, and I inclined first to the idea of licensing everybody who wanted to be licensed, provided it did not put an army of persons on the place and overcrowd it, and to open the doors as wide as possible. The argument was made by several persons that this plan had been attempted to some extent, that that policy had been carried out to some extent, and that the traders, instead of confining themselves to regular rates of percentage, would make up a pool. For instance, here was an agency at which there was, say, $50,000 worth of trade. Now if you put five traders at that agency, it is manifest that if they are equally divided they only would have $10,000 worth of trade each, and that, at the percentage which I put the goods, they might not get a living. The resnlt of that was, as has been stated to me, and I believe it to be the fact, that they pooled their interests and would combine for the purpose of avoiding the regulations, and would sell goods at enormous prices, causing great dissatisfaction among the Indians.

The CHAIRMAN. Would it disconcert you if I should interrupt you by a question?

Commission ATKINS. Not a particle. I am perfectly willing to be asked questions if you desire it.

Q. What regulates the amount of trade which there may be at any Indian agency; in other words, what are the sources of trade?—A. They are different at different agencies. A great many Indians in the north sell furs and hides, and all over the country they sell hides. But they get an income from their annuities and the sale of their handiwork, and things of that sort. But at a great many of the agencies their income is simply from their annuities. At the Osage agency there has been from two hundred thousand to two hundred and fifty thousand dollars paid by the Government to the Indians.

Q. What proportion of that amount would come into the hands of the trader?—A. I fear too much of it.

Q. A large portion of it?—A. Yes, sir; I think so.

Q. And then in addition to money which the Indians have to buy goods of the trader, they exchange with the trader?—A. Yes, sir; they exchange their peltries and hides, furs and trinkets, and at some agencies, for instance at San Carlos, they are selling barley, and at others wheat that they have raised themselves, and some have beef cattle as well, I am glad to say, at some of the agencies.

Q. You spoke of hides. The hides are derived from the cattle which are issued to them, I suppose?—A. Yes, sir; and then the hides of cattle which they raise themselves.

Q. Another thing. How do the post traders and the Indian traders come into competition, if they do compete?—A. Because an Indian reservation and a military reservation may be very near each other, as, for instance, at Fort Reno and Darlington, the Cheyenne and Arapaho Agency, which are within 2 miles of each other, just across the Canadian River.

Q. And that causes a struggle for the trade?—A. Yes, sir.

Q. That leads me to ask, may an Indian trader trade with the soldiers?—A. Yes, sir; he may if the soldiers will trade with him.

Q. On the contrary, may a post trader trade with the Indians?—A. No, sir; the object of the office has been to forbid that, for the reason that the post trader will sell contraband articles, such as whisky, ammunition, and things of that sort. They are not under the control of the Commissioner, and he cannot control them as to what they do sell, and some of the principal things they sell are whisky and beer, wine, ammunition, guns, pistols, and everything of that sort.

Q. I simply ask you these things for information. Now you may proceed in your own way.—A. I did not mean to say that they put their peltries and hides into these stores from which they get their money. They sell these articles and the Indian traders are required to take the money from the Indians themselves. But the sources are the things which I speak of.

Q. When I interrupted you you were on this point: That there was a certain amount of trade at a locality, and that the question arose in your mind whether it would be well to license everybody or not?—A. Yes, I remember it. Finding that the policy of just opening these stores to everybody would not do, that it had not worked well, and that the Indians had been defrauded, goods sold at enormous and outrageous prices, at 200, 300, 400, and 500 per cent. in some instances—that knowledge coming to my ears, I determined I would just license enough traders at any one agency to provide what would be called a healthy trade at these rates of per cent. with limited percentages. And it is on that principle that I have tried to run these agencies.

By Senator CULLOM:

Q. You adopted that after you had tried the other plan?—A. No, sir; I had not tried it at all; this was directly after I came into office. As soon as I came into office I began to reflect upon what policy I should adopt, whether to throw the licensing open to general competition or limit the number of traders to a healthy trade, and require them closely to come up to a limited per cent.

Q. You said you ascertained they were selling goods at enormous prices, and I did not know when that occurred.—A. I said that was information which I had received; that under the former policy it had occurred. I wish to be understood plainly. I did not say that this was a policy that was practiced or desired to be pursued by my predecessor or any predecessor. I only speak of a fact that existed as I understood it.

By the CHAIRMAN:

Q. What was your idea about a healthy trade?—A. My idea of a healthy trade would be that where there was $15,000 to $20,000 worth of trade there should be an Indian trader, a single one, and for $25,000

or $30,000 to have two traders, and swell the number just in that way That was my idea about it.

Q. That would be giving an average to one trader of about $20,000?—A. Yes, sir; giving to one trader trade amounting from $15,000 to $20,000. I was not particular about the amount, but just so that no man could make a big fortune out of it, and so that he would have no interest to pool with other traders and no interest in evading the regulations I had prescribed, but would sell these goods at a marked per cent. That was the idea and the policy I adopted. I have licensed men to trade upon a recommendation from prominent citizens, Senators, and Representatives at all these agencies more or less. I have put more at one agency than I did at another.

Q. Is that for what are called the five civilized tribes?—A. Yes, sir.

Q. What has been your practice with regard to appointing traders to trade with the civilized tribes?—A. I have appointed every man whose bond has been sent up, the application having first been granted by the council of the different tribes, of the five civilized tribes, the Cherokees, the Chickasaws, the Seminoles, the Creeks, and the Choctaws.

Q. So that with reference to those traders you have not exercised your own selection?—A. No, sir; not at all; not in a single instance.

Q. And a large number of traders then are appointed because they have been selected by those several tribes?—A. Yes, sir; all in those several tribes.

Q. Do they amount to a considerable number?—Yes, sir; I suppose largely over 100. I think there are over 100 in the Cherokee Nation, if I am not mistaken about the matter. I am not so familiar with those details as my chief clerk is, who is here, and I am not so familiar with them as is the gentleman who has charge of this branch of the business. Still, I am familiar enough with the subject to answer such questions approximately.

Q. The point I wanted to get at is this: That with regard to the Indian traders among the civilized nations you do not exercise your own individual discretion much in the matter of appointments?—A. No, sir; I do not—at least I have not in a single instance declined to license any one who made an application properly authenticated by the council of the Territory in which he proposed to trade.

By Senator CULLOM:

Q. As a matter of information I will make this inquiry: Do you know whether these different tribes, of their own volition, select somebody to be appointed as a post or Indian trader, or does some one go down there who wants to be a trader and get the authority from the tribe and then come and ask for the appointment; how is that?—A. I do not know the *modus operandi* in that respect of those who get licenses, whether they go down there and seek it or not. I presume they do, and I presume a great many who are there in one way or another obtain it. There are a great many unauthorized people in Indian Territory. The question of citizenship is one that has vexed the Indian Office for thirty years. There are a great many people there to-day who are unauthorized to be there. We are considering this question of citizenship every day, and we are about coming to a conclusion with the Cherokee tribe as to the appointment of a commission for the purpose of saying who are citizens and who are not. But I presume, if those facts are true, that some are there who get licenses, and I presume a great many go down there to seek licenses and get them. But in no instance have I licensed any one for the five civilized tribes unless he has been first authorized by the

council of that particular tribe. I believe I have stated to you now the general policy that I have attempted to pursue in the appointment of these traders. Now, with regard to the particular instances of these licenses that have been granted and refused, I may go on and make some statements.

The CHAIRMAN. I find a provision in the Revised Statutes, section 2128, which I will read:

"Any loyal person, a citizen of the United States, of good moral character, shall be permitted to trade with any Indian tribe upon giving bond to the United States in the penal sum of not less than five nor more than ten thousand dollars, with at least two good sureties, to be approved by the superintendent of the district within which such person proposes to trade, or by the United States district judge or district attorney for the district in which the obligor resides, renewable each year, conditioned that such person will faithfully observe all laws and regulations made for the government of trade and intercourse with the Indian tribes, and in no respect violate the same.

"SEC. 2129. No person shall be permitted to trade with any of the Indians in the Indian country without a license therefor from a superintendent of Indian affairs, or Indian agent, or subagent, which license shall be issued for a term not exceeding two years for the tribes east of the Mississippi, and not exceeding three years for the tribes west of that river."

Do you consider that both of these sections were repealed by the Revised Statutes of 1878?

Commissioner ATKINS. Yes, sir; they are superseded by this.

Q. A marginal note here says that these laws were passed July 26, 1866, with reference to section 2128, and June 30, 1834, with reference to section 2129.—A. Well, they are obsolete in my judgment.

The CHAIRMAN. But as this was the edition that was gotten out in 1878, it ought to have shown the 1876 statute, should it not?

Senator CULLOM. Have you examined the question closely as to the repeal of this former statute by the adoption of the other?

Commissioner ATKINS. I have not specially examined it. I did not think it needed any examination. I thought it was patent on its face. There is the law. It says: "Hereafter the Commissioner of Indian Affairs shall have the sole power and authority to appoint traders to the Indian tribes, and to make such rules and regulations as he may deem just and proper, specifying the kind and quantity of goods and the prices at which such goods shall be sold to the Indians."

Senator COKE. What is the date of that?

Commissioner ATKINS. August 15, 1876.

Senator COKE. Is that in the Revised Statutes?

Commissioner ATKINS. Yes, sir; it is in the Revised Statutes. It was passed as an amendment to an appropriation bill, but it is just as much a law as if it had been passed as a special act by itself. It is the law under which we have acted, and if that is not the law I am totally mistaken about it.

The CHAIRMAN. Have you issued printed rules and regulations in regard to this matter?

Commissioner ATKINS. Yes, sir; and sent them out to every agency.

The CHAIRMAN. Have you a copy here of your printed rules and regulations?

Senator BLACKBURN. Just in this connection let me ask you a question. If this act of 1866 had been in force, in the opinion of your pre-

decessor and yourself, would not these traders have been left there for three years instead of one year, as under this act of 1876?

Commissioner ATKINS. I should think so.

Senator BLACKBURN. Was it or not a fact that under your predecessor the year basis was adopted?

Commissioner ATKINS. Yes sir; it was invariably.

The CHAIRMAN. But this says nothing about the time for which they shall be appointed.

Senator CULLOM. The point seems to be that the law the Commissioner refers to repeals section 2129, but does not repeal section 2128.

Senator COKE. Read section 2128.

Senator CULLOM. Section 2128 reads as follows: "Any loyal person, a citizen of the United States, of good moral character, shall be permitted to trade with any Indian tribe upon giving bond to the United States in the penal sum of not less than five nor more than ten thousand dollars, with at least two good sureties, to be approved by the superintendent of the district within which person proposes to trade, or by the United States district judge or district attorney for the district in which the obligor resides, renewable each year, conditioned that such person will faithfully observe all laws and regulations made for the government of trade and intercourse with the Indian tribes, and in no respect violate the same."

Senator COKE. What is the date of that?

Senator CULLOM. That is the law of 1866.

Senator COKE. Here is the act of 1876:

> And hereafter the Commissioner of Indian Affairs shall have the sole power and authority to appoint traders to the Indian tribes, and to make such rules and regulations as he may deem just and proper, specifying the kind and quantity of goods, and the prices at which such goods shall be sold to the Indians.

Senator CULLOM. It is contended that that does not repeal the section I have read, but it repeals this:

> SEC. 2129. No person shall be permitted to trade with any of the Indians in the Indian country without a license therefor from a superintendent of Indian affairs or Indian agent or subagent, which license shall be issued for a term not exceeding two years for the tribes east of the Mississippi, and not exceeding three years for the tribes west of that river.

Senator COKE. I think it is perfectly clear that it repeals both of them.

Senator BLACKBURN. My understanding is that this question was raised once in the office under your predecessors, and was submitted to the Assistant Attorney-General for the Interior Department, who decided, as is now held here, that this act does repeal these two statutes.

Commissioner ATKINS. Yes, sir; and that the licenses were renewable each year. That is my understanding, and that was the practice when I came into office.

Senator CULLOM. I did not know anything about the law governing the subject, and asked you the question so that I might get the information.

Commissioner ATKINS. I should have preferred to license them, as a matter of personal convenience to myself, for two or three years instead of one. It has been a perplexing subject.

Senator CULLOM. The question of whether the law is repealed or not is a question to be discussed, if anybody desires, with you.

Commissioner ATKINS. I understand perfectly. I was speaking of it as a matter of personal convenience.

Senator CULLOM. I am not prepared to say myself that it was not repealed.

Commissioner ATKINS. I regard this as the law, and my predecessor did the same. The Assistant Attorney-General regarded it as the law also.

Senator COKE. It seems to me that this statute is utterly inconsistent with the two acts.

Senator CULLOM. It is utterly inconsistent with one of the sections; whether it is with the other or not, I cannot say.

Commissioner ATKINS. Now, if the committee wish me to go further I will make one or two other remarks. I have renewed the licenses, I believe, of about one-half of the old traders, not to speak as an accurate and specific statement, but about one-half.

The CHAIRMAN. You mean other than those among the civilized tribes?

Commissioner ATKINS. Yes, sir; I am not speaking of those at all. I have renewed the licenses of about one-half of them, and the others I have not. I did that under what I conceived to be the authority which lies before me. If I am mistaken in that way, my predecessor was mistaken also, the Secretary of the Interior is mistaken, and so is everybody else connected with the administration of the office.

Senator COKE. It is the practice of the office, since the passage of that act of 1876, to conform to the view you take of it is it?

Commissioner ATKINS. Yes, that is my understanding; but I am not familiar with the practice of the office for years back; I cannot say how it was ten years ago. But there is a gentleman present who was in the office at that time, I believe, who could answer that question. I have no doubt, however, that that has been the practice of the office ever since the passage of the act.

The CHAIRMAN. The licensing of a trader involves, I suppose, the necessity of his laying in a stock of goods, does it not?

Commissioner ATKINS. Yes, sir.

The CHAIRMAN. How large a stock of goods?

Commissioner ATKINS. That depends upon the agency and upon the disposition of the trader; whatever he is willing to risk after looking into the matter. It is wholly optional with himself, except that I would not give a man a license to go upon an agency and pretend to have a stock of goods who simply went there for other purposes. He would have to be there as a *bona fide* trader.

The CHAIRMAN. This is true, is it not: that in order to carry on the business of an Indian trader under a license, a man would have to carry a stock of some thousands of dollars worth of goods?

Commissioner ATKINS. Yes, I should say thousands; I reckon $2,000 worth, anyway, and maybe upwards, owing to the amount of trade and patronage that he received.

The CHAIRMAN. As a matter of fact, some of them carry quite a large stock?

Commissioner ATKINS. Yes, some of them are very heavy dealers.

The CHAIRMAN. The revoking of a license or the refusing to renew it puts the person who has been trading in a very bad position, does it not; can he realize on his stock of goods their value?

Commissioner ATKINS. He may or he may not. He may sell out his stock of goods, or he may hold his goods at such prices that no one would buy them out.

The CHAIRMAN. Do you not think it ought to be the policy of the office to renew licenses, there being no charges of improper dealings, or to give a long notice when they are going to be revoked?

Commissioner ATKINS. I will answer that in a general way as I proceed, if you will allow me. I do not think once a trader, a man should always be a trader, I will say that. But my policy has been, or rather to speak impersonally, the policy of the present administration of the Indian Office has been, to not arbitrarily tear up traders and remove them from the agencies, and as I remarked awhile ago, I have relicensed a little over one-half of the old traders. There are some, the other half, or nearly one-half, whom I did not relicense for various reasons. There were charges against some of them, that is to say, objections to some of them I use the word charge in its rather technical sense, because that word appears in the resolution of June 4—but there were objections to some of them which I deemed sufficient to warrant me in withholding the license. Then, I will be very frank, I have refused to relicense some gentlemen upon the urgent demand of Senators and Representatives and other persons in this country asking that certain traderships be given to some of their friends. If that is a crime, I have committed it. I know that when I came into the office there was a general expectation that all of these traders would be removed at once; as soon as their licenses expired, if not sooner. I know that was the general feeling; I do not say it was universal, but I have heard it, and I have a right to believe it was the general sentiment; I could hear it. I have not failed in but one or two instances, I believe, to allow every trader to continue until his license expired by limitation. I believe there are one or two—one I know, and perhaps two—where I have not done so. But in all other cases I have allowed them to continue until their licenses expired, and in a great many instances to continue for months afterward, after their licenses expired. My view has been that I did not desire any man getting a license from the Indian Office under my administration to use it as a threat or as a means of extorting a trade at the sacrifice of the old traders. I have not desired anything of that sort. On the contrary, I have expressed a different idea, and I have pursued a different course, and the record will show letters that I have written, which are on file and which I can present, that that has been the course I have pursued.

The CHAIRMAN. Is there any rule in the office which gives a specified time to a person not relicensed within which to close up his business?

Commissioner ATKINS. No, sir; there is no rule of that sort that I know of.

The CHAIRMAN. As a matter of fact, is any time given? Suppose a license expired on the 1st of January, 1886, would the trader know prior to that time whether he was to have his license renewed; or if it was not renewed would he have any time in which to close up his business?

Commissioner ATKINS. In almost every case, when the purpose of the office was not to relicense a trader, he was notified in advance of the expiration of his license, and that the license would not be renewed.

The CHAIRMAN. How long in advance?

Commissioner ATKINS. Well, thirty, sixty, and ninety days, and my clerk here says as much as six months in some cases.

The CHAIRMAN. So that a person whose license was not renewed had warning?

Commissioner ATKINS. Yes, sir.

The CHAIRMAN. And was not taken unawares, without knowledge of the condition of affairs?

Commissioner ATKINS. No, sir. In the most of these cases (I mean those persons whose licenses were not renewed), even after they were notified that their licenses would not be renewed, they continued to replenish their stocks up to the time they were superseded.

The CHAIRMAN. In this list which you transmitted to the Senate, in reply to the resolution of May 10, 1886, you give, if I have correctly run them up, 41 instances in which licenses have not been renewed. Do you mean to say that they have been renewed in all other cases?

Commissioner ATKINS. Yes; as I said awhile ago, the number of renewals is about equal to the number of those who have been refused.

Now, Mr. Chairman, if you have any further questions to ask me I would like to have you do so. I have given you the general course of the office with regard to these matters, and I am ready to answer any questions touching this general course. But I do think, sir, that in view of the fact that specific charges have been placed in the hands of Senator Wilson upon which this investigation has been instituted—I do think that I have a right to have the witness state on oath his charges of maladministration of my office, if I have been guilty of it, before I answer those questions. I am prepared to answer them.

The CHAIRMAN. That was rather my impression of the course we should pursue. I will ask you another question with regard to these agencies. If you are not prepared this morning to do so, I would like you hereafter to give the committee a full list of all Indian traders, the time when they were appointed in the first instance, and where they were appointed from—that is, where they resided at the time of appointment.

Commissioner ATKINS. I can give you that information very easily, but I have not got it right with me. I am prepared to answer any question in general or in particular.

The CHAIRMAN. I think if we go into this question of the charges against specific licenses granted, or the refusal to license, that it is the duty of the committeee to make something more of the case than appears at the present time, and I will ask you some general questions on that topic which you may answer or not, as you please. Has it ever come to your knowledge that any person whom you have licensed has used his license to secure a profit upon it without putting money into the business of an Indian trader?

Commissioner ATKINS. I am very ready to answer that question, but I would much prefer, if anybody makes the charge that they have, that they would get up and state it, and state it under oath; I prefer that they would make the statement under oath. I do make the general denial. I know exactly what that refers to, and I am most happy to make an answer to it; but I prefer that the party who makes that charge should swear to it, because I am under oath and I want him under oath.

The CHAIRMAN. I understand you, then, to say that no such information has come to your knowledge?

Commissioner ATKINS. None that I believe. I have heard such a thing about one man, and asked him to his face if it was true, and he bitterly denied and denounced it. I never have heard any man say so but one, who said that it was true; but I prefer, before I make the statement I do, that the charge be made under oath.

The CHAIRMAN. This committee has to determine whether it will go into a somewhat protracted investigation, or leave the matter without doing so. Therefore I wanted you to make your statement. If you made a general denial, that would be one thing, and the committee could de-

termine whether it would be necessary to go further in the matter or not. That is the reason I ask you the question. I do not ask you to go any further.

Commissioner ATKINS. I prefer, sir, to answer the question, but I also prefer to answer it after the charge has been made under oath. I prefer that, but if the committee desires me to proceed I will do so.

The CHAIRMAN. I understand you to say that in only one instance has any such information come to you at all?

Commissioner ATKINS. I do not think I recollect of but one case. Recently I have heard, since this investigation was gotten up, that the same charge was made against another man, but I do not think I heard it before this investigation came up; yes, there was a man named Ellison, who was licensed from New York; I had forgotten him entirely. Yes; I recollect his license, and of hearing that he had made some such statement as that. But I will speak of the one I refer to. I cannot say whether there is more than one, though I have an idea that possibly there was another. But the one I name was mentioned to me first. I do not know whether it was since this investigation began or before that the second case was brought to my attention, but no charge was filed that I am aware of. But that matters not. I will speak of him as well as this other case. Now I will go on, if you desire.

Senator CULLOM. We seem to be in a little quandary here among ourselves as to what course to pursue, whether to ask you to go on and make a general statement now with reference to these specific matters, or whether we will delay it. The question of doubt in our minds is as to how far we want to go in reference to the matter. So far as I am concerned I am not particular. I recognize the fact that Commissioner Atkins has a right to a hearing upon any specific statement under oath made against him. There has been no statement under oath made against him as yet.

Commissioner ATKINS. I prefer to go on and wave the oath if the commitee will allow me. If there is any likelihood in the idea that I suggest, that the committee shall adjourn before the party is put under oath, I would prefer to go on, because I want to make the statement I have begun with.

The CHAIRMAN. The committee will listen to any statement you wish to make.

Commissioner ATKINS. The charges made are by a man named Hunter, who sits before me, a copy of which the honorable chairman had the kindness to inclose to me. He makes a statement, and I do not know but that it ought to be read. I think it ought myself, so that it may be before this committee, and that I may answer it. True, it is a mere statement of Mr. Hunter, unsworn to.

Senator CULLOM. I think, Mr. Chairman, that any statement which goes into this record made by any outside person should first be sworn to. I do not think we desire to incumber the record with written communications sent in here by anybody.

The CHAIRMAN. That is the way it strikes me, but I yield my preferences about it.

Senator BLACKBURN. I think if it is to go into the record it ought to be under oath.

Senator CULLOM. That is the view I take of it. It seems to me if we invite communications from outside people we could fill up several books very soon with written statements probably, about most anything, and I think the correct course for the investigation, if anybody's statement is to be taken at all, is that it shall be taken in the regular way, by the witness stating before the committee what he has to say under oath.

Hence I raised the question a moment ago as to whether Mr. Atkins wanted to go on and make his statement with reference to what he knows himself to have been said about the administration of his office in advance or not.

Commissioner ATKINS. Well, I have given the general policy of the office; but there are certain charges here, or said to be, upon which this resolution of inquiry was based, as the Senator wrote me in the communication which he sent.

The CHAIRMAN. I asked the general question because I supposed Commissioner Atkins would put in, as he has, a denial that he had suffered any such thing as that to be done under his administration of the office. I thought perhaps that was as far as it would be wise to go this morning, and then the committee could determine whether it involved the necessity of going forward and asking any parties who claimed otherwise, to put the matter in a specific shape in the form of evidence, and then, of course, Commissioner Atkins could reply specifically. That was my impression about it, leaving the matter to the committee to decide upon after consultation.

Commissioner ATKINS. I can answer the charges now.

Mr. ROBERT F. HUNTER (representing Cleveland & Co., Indian traders). I ask the committee in case the evidence of the Commissioner is taken on this point, that I be permitted to examine him in regard to the matter. I would not make this request, but my name has been introduced before the committee by the Commissioner.

Commissioner ATKINS. I spoke of the name, because it is signed to certain papers making charges against me, and I had a right to do so. All I ask is that you should swear to what has been written. I would prefer to make my statement, if the committee would like to hear me.

Senator CULLOM. And the probability is you would want to make another, if we go on with the investigation, afterwards, and it is a question whether we want to go further in the matter at the present time.

Senator BLACKBURN. I think the Senator is right about that.

Senator COKE. Commissioner Atkins has made his general statement now, and he has come down to a point where, if there are any charges to be answered, they should first be put on the record, and then he would be prepared to answer them.

Commissioner ATKINS. If the committee does not intend to go through with this matter, I think it is due me that I make a statement in support of the general remark I made a moment ago in regard to the general question that you put to me. It is due to me that I submit a statement about it.

Mr. R. F. HUNTER. I would present a sworn statement in rebuttal of the sworn statement of the Commissioner, if the committee will permit it.

Senator CULLOM. I should object to the taking of outside affidavits of witnesses. We should want the witness before us.

Senator COKE. Yes, where he could be cross-examined.

Mr. R. F. HUNTER. I mean in case the investigation is not continued.

The CHAIRMAN. I think, gentlemen, you had better wait until we have an opportunity to consult amongst ourselves as to what further course we should pursue, and if Commissioner Atkins then thinks that he ought, in vindication of himself, to make a further statement he can do so.

Commissioner ATKINS. I do not want to stop short of a complete vindication or a conviction; that is precisely where I stand. I am perfectly willing to turn the inside of the Indian Office outside its records

and to have every man in the office put on the witness stand, and my whole correspondence revealed, official and unofficial, if the unofficial correspondence could be obtained. Here is a statement which has gone to the country, which has been published in the dispatches, that there are scandals connected with the Indian tradership under my administration, and I prefer that this committee should go to the extent of vindicating me or condemning me as the facts will warrant.

Senator CULLOM. I think you are perfectly right in that view. Well, shall we adjourn for further consideration as to the course the committee shall pursue?

The CHAIRMAN. I do not see that we can go on further this morning. [To Commissioner Atkins.] You will furnish to the committee the information I asked for.

Commissioner ATKINS. Yes, I will do so to-morrow morning.

Senator CULLOM. I move that the committee adjourn subject to the call of the chairman.

The motion was agreed to, and the committee adjourned.

WASHINGTON, D. C., *Tuesday, July* 13, 1886.

The Select Committee met in the room of the Committee on Patents at 10 o'clock a. m.

The CHAIRMAN (Senator Platt). I notified Commissioner Atkins yesterday that the committee would hold a meeting this morning, and expected he would be present, but he has not come, we will proceed and hear the statement of Mr. Cleveland.

TESTIMONY OF CHARLES A. CLEVELAND.

CHARLES A. CLEVELAND was then duly sworn, and interrogated as follows:

The CHAIRMAN. You have been an Indian trader, have you?

Mr. CLEVELAND. Yes, sir.

The CHAIRMAN. At what place?

Mr. CLEVELAND. At Anadarko, Indian Territory, and Fort Sill.

The CHAIRMAN. What was your first experience as an Indian trader, and when did it commence?

Mr. CLEVELAND. It commenced about the first of October, 1878.

The CHAIRMAN. Did you have a license yourself to trade?

Mr. CLEVELAND. No, sir; I did not. It was under the firm name of J. J. Fisher & Co., Mr. Fisher holding the license.

The CHAIRMAN. Who composed that firm?

Mr. CLEVELAND. The firm was composed of J. J. Fisher, Carl Moller, and C. A. Cleveland—myself.

The CHAIRMAN. Generally, what had been your occupation and business experience before you became interested in the business of trading on a reservation.

Mr. CLEVELAND. I had been in the Territories since 1867 as a clerk for my uncle, Mr. J. S. Evans.

The CHAIRMAN. What was he?

Mr. CLEVELAND. He was a military trader at Fort Gibson first, and at Fort Arbuckle afterwards, a year at a time, and then at Fort Sill for eight or ten years, until 1876.

The CHAIRMAN. Before that what had been your previous occupation?

Mr. CLEVELAND. I was in the service for five years—in the Army.

The CHAIRMAN. In what capacity?

Mr. CLEVELAND. As a private soldier and non-commissioned officer.

The CHAIRMAN. You enlisted early and went through the war?

Mr. CLEVELAND. Yes, sir.

The CHAIRMAN. And were mustered out in what capacity?

Mr. CLEVELAND. As a sergeant. That was on the 29th of May, 1866, I think.

The CHAIRMAN. You must have gone into the service early; you must have been quite young at that time?

Mr. CLEVELAND. It was in 1861. I was about nineteen years old.

The CHAIRMAN. After your discharge you went pretty soon to be a clerk for your uncle?

Mr. CLEVELAND. Yes; the next following spring.

The CHAIRMAN. Where was the firm of J. J. Fisher & Co. trading?

Mr. CLEVELAND. They were trading at Fort Sill, Indian Territory.

The CHAIRMAN. What was your interest in that partnership; how much?

Mr. CLEVELAND. I had a one-quarter interest.

The CHAIRMAN. Did they trade anywhere else besides at Fort Sill?

Mr. CLEVELAND. They did, in the fall and winter of 1879; they moved part of their goods to Anadarko.

The CHAIRMAN. Did you leave them before that time?

Mr. CLEVELAND. No, sir.

The CHAIRMAN. When was your license obtained?

Mr. CLEVELAND. I was licensed to take effect on the 1st day of November, 1882, I think.

The CHAIRMAN. What became of the firm of J. J. Fisher & Co.?

Mr. CLEVELAND. They went into liquidation and dissolved.

The CHAIRMAN. What did they do with their goods?

Mr. CLEVELAND. They sold them to A. J. Reynolds.

The CHAIRMAN. Who made the sale to A. J. Reynolds?

Mr. CLEVELAND. I concluded it. There was some written communication betweenMr. Fisher and Mr. Reynolds previous to the final settlement.

The CHAIRMAN. I will ask you right here (though it might perhaps come later in the inquiry) whether you, as a member of the firm of Fisher & Co. made any agreement with Reynolds at the time of the sale to Reynolds that you would not engage in trade in the Indian Territory, or on that reservation where Fisher & Co. were then trading?

Mr. CLEVELAND. No, sir; there was no such conversation had either by Mr. Reynolds or myself, or between us and him. It was not thought of on my part, because we did not consider it necessary to make any such statement, as there were two traders there then and a third one we thought was one too many, and we decided we had rather sell than to stay in competition.

The CHAIRMAN. Had you any knowledge that Fisher or any other member of the firm of Fisher & Company had any agreement, or made any agreement with Reynolds, that the firm, or the members of the firm, should not enter into trade in the Indian Territory at the time of the sale?

Mr. CLEVELAND. No, sir; I had no knowledge before or after or at the time. It was never mentioned between us. Mr. Fisher was at Saint Louis most of the time and Mr. Moller and I were at Fort Sill until the trade was made or just before it was made.

The CHAIRMAN. You knew afterwards that the claim was set up by Reynolds at the office of the Indian Commissioner that there had been such an arrangement?

Mr. CLEVELAND. Yes, he sent each one of us a copy of a letter which he had written to the Commissioner.

The CHAIRMAN. You were first licensed in November, 1882?

Mr. CLEVELAND. Yes, I think that was the date.

The CHAIRMAN. How long did that license continue?

Mr. CLEVELAND. It continued until the 15th day of December of the same year.

The CHAIRMAN. What happened then?

Mr. CLEVELAND. It was revoked by the honorable Commissioner.

The CHAIRMAN. That was Commissioner Price?

Mr. CLEVELAND. Yes, sir.

The CHAIRMAN. Have you the letter or notice of its revocation?

Mr. CLEVELAND. I have not the notice with me, but I have it at the agency.

The CHAIRMAN. Have you a copy of it?

Mr. CLEVELAND. I presume there is a copy of it in the office here.

The CHAIRMAN. On what ground was the license revoked?

Mr. CLEVELAND. Simply because I had violated an agreement or a supposed agreement between Fisher & Company and A. J. Reynolds. That agreement was that we should not—either one of us, any of the firm—come back as long as he remained there in competition with him.

The CHAIRMAN. Were you subsequently relicensed?

Mr. CLEVELAND. Yes, sir.

The CHAIRMAN. At what date?

Mr. CLEVELAND. February 1, I think, 1884.

The CHAIRMAN. By what Commissioner then?

Mr. CLEVELAND. By Commissioner Price.

The CHAIRMAN. Did you have any personal interviews with the commissioner?

Mr. CLEVELAND. No, sir.

The CHAIRMAN. Do you know whether the matter of your alleged agreement was presented to Commissioner Price and investigated by him prior to his granting you the new license?

Mr. CLEVELAND. No, sir; I do not.

The CHAIRMAN. Did you give any instructions to your attorney about it?

Mr. CLEVELAND. I had no attorney at that time.

The CHAIRMAN. Do you know how you came to be relicensed; whether that matter was investigated or not?

Mr. CLEVELAND. I came here in December, I think it was, or January, and had a letter drawn up and an affidavit of my brother's, and it was handed to Senator Vest, and he took it to Colonel Price and gave him the letter and affidavit, and the Commissioner said that the affidavit was all that was necessary. Subsequently Senator Vest told me that.

The CHAIRMAN. And you understand that it was on that affidavit denying any such agreement on your part that you were relicensed?

Mr. CLEVELAND. Yes, sir.

Senator BLACKBURN. Who do you say made that affidavit?

Mr. CLEVELAND. My brother, W. H. Cleveland.

The CHAIRMAN. Was he a member of the partnership of Fisher & Company?

Mr. CLEVELAND. No, sir.

The CHAIRMAN. Why did you not make the affidavit yourself?

Mr. CLEVELAND. Because he was one of the witnesses, and the only witness I had at the time the sale was made.

The CHAIRMAN. And you preferred to put in the affidavit of a person who was a witness rather than your own?

Mr. CLEVELAND. Yes, sir.

The CHAIRMAN. Having got that license February 1, 1884, what did you do—who was licensed, yourself or yourself and brother?

Mr. CLEVELAND. It was myself.

The CHAIRMAN. What did you do about trading at Anadarko then?

Mr. CLEVELAND. I went there and went into business.

The CHAIRMAN. But was there a partnership?

Mr. CLEVELAND. There was a partnership formed by myself and Mrs. Hutchins.

The CHAIRMAN. Was that the partnership of C. A. Cleveland & Co., at first?

Mr. CLEVELAND. No, that was when I was relicensed; that was the partnership that was made.

The CHAIRMAN. Has that always been a partnership up to the time when your license was revoked?

Mr. CLEVELAND. No, sir.

The CHAIRMAN. Well, how long did the partnership continue between you and Mrs. Hutchins?

Mr. CLEVELAND. Up to the present time.

The CHAIRMAN. That was the question I asked; you misunderstood me.

Mr. CLEVELAND. Yes, sir.

The CHAIRMAN. How much of a stock of goods did you lay in?

Mr. CLEVELAND. At that time?

The CHAIRMAN. Well, yes; at that time or any time.

Mr. CLEVELAND. There were some goods there already owned by Mr. D. P. Brown. I bought Brown's interest out of that; it amounted to $7,000 or $8,000, I don't recollect the exact amount now; and then we bought goods at different times, from $5,000 to $6,000 and $7,000 worth, and added to it. That same spring, in March some time, I went on and bought goods.

The CHAIRMAN. That was in 1884?

Mr. CLEVELAND. Yes, sir.

The CHAIRMAN. What building did you trade in?

Mr. CLEVELAND. One that I had put up after I got my first license.

The CHAIRMAN. What kind of a building was it?

Mr. CLEVELAND. It was a pine building; a two-story frame building.

The CHAIRMAN. At what cost was that erected?

Mr. CLEVELAND. It cost about $4,000.

The CHAIRMAN. Did you have any further trouble with your license during the year 1884?

Mr. CLEVELAND. No, sir; I think not; nothing that I recollect.

The CHAIRMAN. State anything that occurred which led up to the revocation of your license.

Mr. CLEVELAND. Well, the first thing that occurred that I recollect of now was the coming of Mr. S. M. Jackson to the agency there.

The CHAIRMAN. When was that?

Mr. CLEVELAND. It was in the fore part of July, 1885. He represented himself as a duly licensed trader authorized to trade at that agency.

The CHAIRMAN. Did you know who S. M. Jackson was?

Mr. CLEVELAND. No; I did not at that time. He told me afterwards that he was a brother of Senator Howell E. Jackson.

The CHAIRMAN. He came to your place of business, I suppose?

Mr. CLEVELAND. Yes; and said he was desirous of forming or making some arrangement by which he would be able to run the business and have an interest, and he put up his license to offset our capital. In support of his authority to trade, he produced a letter written by Hon. J. D. C. Atkins, saying that he had appointed S. M. Jackson, and one other, as traders at that agency to take the place of the old traders.

Senator CULLOM. Did he name the other?

Mr. CLEVELAND. Yes; he named the other—no; not in the letter, I do not think he did.

The CHAIRMAN. Did he leave a copy of that letter with you?

Mr. CLEVELAND. No, sir; it was a personal letter to Mr. Jackson, I think.

The CHAIRMAN. How much conversation did you have with him before he made this proposition?

Mr. CLEVELAND. Not very much; I do not recollect. There was no great amount of conversation. He was around the agency in various places, and he did not have time to make much of a conversation.

The CHAIRMAN. Now state as particularly as you can what he said in making that proposition.

Mr. CLEVELAND. Well, the first proposition he made I did not exactly understand what he meant by putting up his license against the capital, and I asked him to more fully explain, and he said that he would put up his license against our capital; that we should furnish all the capital, good will, and so forth, and do all the work, and that he should have one-half of the net profits. I was somewhat surprised at his remarkable proposition, and wanted to know what he meant, and he supplemented it by saying that in case I failed to accept his proposition that I would be forced off of the reservation and would not be allowed to trade with the Indians, and further he said that he would use his influence to that effect with the commissioner, as he had great influence with him.

The CHAIRMAN. You mean with the commissioner?

Mr. CLEVELAND. Yes.

The CHAIRMAN. Did he or not make any statement of the time when you would receive notice?

Mr. CLEVELAND. He further said, after that, that in case I did not accede to his proposition at a certain time or soon, that at a certain time, the last of September or the first of October, action would be had on my license to revoke it by the commissioner; and on October 5 I was notified by the agent, or the commissioner notified the agent that my license at the expiration of January 31 would not be renewed.

The CHAIRMAN. This negotiation that you had with him was oral?

Mr. CLEVELAND. Yes, sir.

The CHAIRMAN. State whether he left the agency, and whether there was any correspondence?

Mr. CLEVELAND. Yes, he left the agency immediately; that is, the next day or very soon after, and he afterwards wrote and stated, or caused to be stated through his father-in-law, Thomas J. Henley, of Saint Louis, substantially the same proposition that he had made me there.

The CHAIRMAN. Had you had a letter from him before he came there?

Mr. CLEVELAND. No, sir; not that I recollect.

The CHAIRMAN. Look at that letter and state what it is. [Handing a letter to Mr. Cleveland.]

Mr. CLEVELAND. That was the first letter, I think, that he wrote after he returned home.

The CHAIRMAN. Please read that letter.

Mr. CLEVELAND read as follows:

RIVES, TENN., *July* 16, 1885.

GENTS: We arrived home all safe and sound last Tuesday morning.

Will you please let me know the amount of stock you have on hand, and the value of your house. Also, let me know on what terms you would like to come in with me. My two friends who went out with me to look at the situation, will not go back; they don't like the idea of living so far from home. I expect to be out about the middle of August. I have had several offers from parties in this part of the country to go out with me and furnish all capital necessary to run the business.

Trusting you are both well, and hoping to hear from you by return mail, I remain,

Yours, very truly,

S. M. JACKSON.

Post-office address, Dyersburg, Tenn.

Messrs. CLEVELAND & BRO.,
Anadarko, I. T.

The CHAIRMAN. Do you know whether you answered that letter?

Mr. CLEVELAND. I think my brother answered it.

The CHAIRMAN. Did you get that letter [exhibiting a letter]?

Mr. CLEVELAND. Yes, I recollect receiving that.

The CHAIRMAN. Please read it.

Mr. Cleveland read as follows:

DYERSBURG, TENN., *July* 29, 1885.

GENTS: I wrote you several days ago that I was ready for a proposition from you in regard to the matter we were speaking of. For fear you did not receive my first letter, I write again. Please let me hear from you by return mail as to what you are willing to do.

Yours, very truly,

S. M. JACKSON.

Messrs. CLEVELAND & BRO.,
Anadarko, I. T.

I expect to start for Anadarko in about two weeks.

The CHAIRMAN. Did you answer that letter?

Mr. CLEVELAND. I do not remember whether it was answered or not. I think, probably, those two letters were answered with one; I am not sure, though.

The CHAIRMAN. That letter seems to imply that the former letter had not been answered.

Mr. CLEVELAND. Yes, sir; I am not sure about that.

The CHAIRMAN. Did anything take place in the way of negotiations between you and Mr. Jackson after the date of that letter of July 29, before the 5th of October—anything further?

Mr. CLEVELAND. No, sir; I do not recollect of anything further.

The CHAIRMAN. What occurred on the 5th of October?

Mr. CLEVELAND. I received a letter dated that day, through the agent, from the Commissioner of Indian Affairs, stating that my license would not be renewed after its expiration, January 31. That letter was written on the 5th of October.

The CHAIRMAN. And it notified you that your right to trade would cease on what date?

Mr. CLEVELAND. On January 31, at the expiration of my license.

The CHAIRMAN. Did you keep a copy of that?

Mr. CLEVELAND. Yes; I have a copy of it. I do not know whether my attorney has it here or not.

The CHAIRMAN. What is the name of the Indian agent who presented it to you?

Mr. CLEVELAND. His name is J. Lee Hall.

The CHAIRMAN. What did you do then?

Mr. CLEVELAND. I continued to trade there. Afterwards I made a formal demand for a renewal of my license.

The CHAIRMAN. Through whom?

Mr. CLEVELAND. Through the agent, and my attorney also.

Senator BLACKBURN. Who do you mean by your attorney?

Mr. CLEVELAND. A lawyer whom I had here in Washington.

Senator BLACKBURN. Give his name.

Mr. CLEVELAND. Mr. R. F. Hunter.

The CHAIRMAN. Did you come to Washington yourself?

Mr. CLEVELAND. No, sir; not at that time.

The CHAIRMAN. When did you come?

Mr. CLEVELAND. I came here in December some time; I do not recollect the date when I arrived here.

The CHAIRMAN. Did you have any further interview with Mr. Jackson?

Mr. CLEVELAND. No, sir.

The CHAIRMAN. Did you have any correspondence?

Mr. CLEVELAND. I telegraphed him from here.

The CHAIRMAN. Look at this letter and telegram and say who they are from. (Handing a letter and telegram to Mr. Cleveland.)

Mr. CLEVELAND. This letter, I think, was received after I left Anadarko.

The CHAIRMAN. Please read it.

Mr. CLEVELAND read as follows:

MEMPHIS, TENN., *December* 16, 1885.

GENTS: If I should write or telegraph you between now and January 1st, could you conveniently meet me in Saint Louis? Please answer by return mail at Dyersburg, Tenn.

Yours, very truly,

S. M. JACKSON.

Mess. CLEVELAND & BRO.

Senator CULLOM. What is the date of that?

Mr. CLEVELAND. December 16, 1885.

Senator CULLOM. It was a good while after you had had notice to quit?

Mr. CLEVELAND. Yes, sir. Then I received this telegram from Mr. Jackson.

Senator BLACKBURN. He says that letter was received after he left there. We would like to know by whom and where.

The CHAIRMAN. There is an earlier letter which ought to go in first. That letter, I see, is addressed to your brother. Did you ever see it?

Mr. CLEVELAND. I do not think I ever saw that letter, or in fact either one of them. I do not recollect whether Mr. Hunter ever showed them to me or not.

The CHAIRMAN. Is it in Mr. Jackson's handwriting?

Mr. CLEVELAND. Yes; it appears to be—what I should take for his handwriting.

The CHAIRMAN. Well, put them in. Read the one of December 1st.

Mr. CLEVELAND. December 16th is the first one, and the other is December 18th, both received after I left there.

The CHAIRMAN. The one you read was addressed to Cleveland & Brother?

Mr. CLEVELAND. Yes, sir; I will read this one of December 18th.

Mr. Cleveland then read the letter referred to as follows:

DYERSBURG, TENN., *December* 18, 1885.

DEAR SIR: Yours of recent date received and contents noted. Please let me know by return mail whether your brother will be in Saint Louis before he returns. If he will, I wish you would write him to telegraph me here as soon as he arrives there, and let me know how long he will remain. I will run up to see him. I have just written to Washington in regard to Fort Sill.

Yours, very truly,

S. M. JACKSON.

Mr. W. H. CLEVELAND.

The CHAIRMAN. I see there is a telegraphic dispatch from him. What is the date of that?

Mr. CLEVELAND. That is dated December 29, 1885.

The CHAIRMAN. Where was that received?

Mr. CLEVELAND. It was received here. It is dated Dyersburg, Tenn.

The CHAIRMAN. It was received by whom?

Mr. CLEVELAND. By myself.

The CHAIRMAN. The other letters you suppose to have been received by your brother?

Mr. CLEVELAND. Yes, sir; by my brother in Anadarko, I presume, and forwarded to Mr. Hunter here.

The CHAIRMAN. Give that telegram—it is addressed to you and was received by you?

Mr. CLEVELAND. Yes; that telegram was in answer to one I sent him from here.

The CHAIRMAN. Please read it.

Mr. CLEVELAND read as follows:

DYERSBURG, TENN., *December* 29, 1885.

C. A. CLEVELAND,
Care St. James Hotel, Washington, D. C.:

How long can you wait in Washington? Answer at once.

S. M. JACKSON.

The CHAIRMAN. What had you telegraphed him to which this was a reply?

Mr. CLEVELAND. As near as I recollect now, I said, "Had you not better come to Washington?"

The CHAIRMAN. You were in Washington at that time trying to prevent the revocation of your license?

Mr. CLEVELAND. Yes, sir.

The CHAIRMAN. I did not ask you whether you saw the Commissioner in person at that time or anybody in charge of the office.

Mr. CLEVELAND. I saw Commissioner Atkins while I was here in Washington.

The CHAIRMAN. What passed between you and him with reference to the license, if anything?

Mr. CLEVELAND. Well, he said he would not renew it.

The CHAIRMAN. Did he give any reason why he would not renew it?

Mr. CLEVELAND. He said it had been reported that I had held and owned cattle on the reservation. He did not give any other reason why, except I think he did mention that——

The CHAIRMAN. Can you give the date of the interview that you had with Commissioner Atkins?

Mr. CLEVELAND. It was somewhere about the last of December, I think, or the first of January; I am not sure which.

Senator BLACKBURN. Do you mean December, 1885.

Mr. CLEVELAND. Yes; December, 1885.

The CHAIRMAN. What reply did you make, if any, and how did you make it, to his statement that he had heard that you held cattle on the reservation?

Mr. CLEVELAND. I said that I never owned a hoof while I had been in the Territory.

The CHAIRMAN. And was that or not true?

Mr. CLEVELAND. That was true. I never have.

Senator CULLOM. Or your brother either?

Mr. CLEVELAND. No, sir; neither one of us.

The CHAIRMAN. Or had you been interested in any firm that had?

Mr. CLEVELAND. No, sir.

The CHAIRMAN. Did he give any other reason to you for his decision not to renew your license?

Mr. CLEVELAND. Yes, he mentioned about my license having been revoked once. He said that that was one cause why he would not renew it, or something to that effect, anyway.

The CHAIRMAN. What did you say to that?

Mr. CLEVELAND. I could not say anything—I did not; at least to him.

The CHAIRMAN. Did you or not inform him that you had made no such agreement yourself?

Mr. CLEVELAND. Yes, I informed him that he had been informed that I had never made any such agreement with Reynolds. I notified him of that fact.

The CHAIRMAN. How, orally or in writing?

Mr. CLEVELAND. I think it has been both ways. I think I told him I never had made any such agreement, and I think Mr. Hunter here has also informed him, either by writing or orally, I am not sure which.

The CHAIRMAN. And if I understand it, your brother's affidavit was on file in the Department about that thing?

Mr. CLEVELAND. Yes, sir.

Senator CULLOM. Did Mr. Jackson come on here?

Mr. CLEVELAND. No, sir.

Senator CULLOM. What was the occasion of your wanting him to come?

Mr. CLEVELAND. He wished to see me.

Senator CULLOM. You telegraphed him asking if he could not meet you here, did you not?

Mr. CLEVELAND. I asked him if he had not better come to Washington if he wanted to see me. I met his father-in-law in Saint Louis and he said his son-in-law would like to meet me.

The CHAIRMAN. Who was his father-in-law?

Mr. CLEVELAND. Thomas J. Henley, I believe.

The CHAIRMAN. Did you have any correspondence with Thomas J. Henley?

Mr. CLEVELAND. No, sir. I did write him one letter too, in reference to his statement.

The CHAIRMAN. Before you come to that, when did you have an interview with Mr. Henley in Saint Louis?

Mr. CLEVELAND. It was some time between the 15th and the 25th of December, 1885, I think. I do not recollect the exact date, but I called on him and saw him.

The CHAIRMAN. Was it while you were on your way to Washington?

Mr. CLEVELAND. Yes; while I was on my way to Washington from Anadarko.

Senator BLACKBURN. You say you called on him?

Mr. CLEVELAND. Yes, sir.

The CHAIRMAN. Had you had any previous communication with Mr. Henley before you called upon him?

Mr. CLEVELAND. No, sir; I was only informed by a party in Saint Louis that he wished to see me, and this party said perhaps I had better go around and see what he had to say.

Senator BLACKBURN. Right in that connection, will he give the name of the party who informed him?

The CHAIRMAN. Who informed you?

Mr. CLEVELAND. Mr. David W. Caruth.

The CHAIRMAN. Is his firm a large wholesale grocery house?

Mr. CLEVELAND. No, sir; they are wholesale hardware merchants.

The CHAIRMAN. What is the firm name?

Mr. CLEVELAND. The Caruth and Byrnes Hardware Company.

The CHAIRMAN. Thereupon you called upon Mr. Henley?

Mr. CLEVELAND. Yes, sir.

The CHAIRMAN. You were going to speak of a statement that Mr. Henley had made. Did he pretend to speak by authority of Mr. Jackson at all?

Mr. CLEVELAND. Yes, sir. I asked him if that was Mr. Jackson's order that he should make that proposition to me.

The CHAIRMAN. What did he say?

Mr. CLEVELAND. He said substantially the same as I have stated.

The CHAIRMAN. What did he say in reply to that, Mr. Jackson's order that should make the proposition; what did he say about whether it was Mr. Jackson's direction that he should make it?

Mr. CLEVELAND. He said that it was by direction of Mr. Jackson that he made this proposition.

The CHAIRMAN. Now, you may state what the proposition was.

Mr. CLEVELAND. The proposition was that Mr. Jackson would furnish the license and we all the capital and do all the work and give him half the profits.

Senator CULLOM. There seemed to be a good deal of correspondence. Did you indicate to Mr. Jackson that you would consider his proposition—take it under consideration?

Mr. CLEVELAND. No, sir; I did not write him that.

Senator CULLOM. Why was this correspondence and these interviews kept up?

Mr. CLEVELAND. I do not know really why they were. He seemed to be writing all the time.

Senator CULLOM. Did you positively decline to entertain it when he first made the proposition to you and went out to the agency?

Mr. CLEVELAND. Yes, sir.

The CHAIRMAN. There is a letter from David W. Caruth, dated December 21, 1885. Was it prior or subsequent to that letter that you saw Mr. Henley?

Mr. CLEVELAND. It was prior to that.

The CHAIRMAN. You had seen Mr. Henley before you received that letter from Mr. Caruth?

Mr. CLEVELAND. Yes, sir.

The CHAIRMAN. Where did you receive that letter from Mr. Caruth?

Mr. CLEVELAND. Here in Washington.

The CHAIRMAN. You may read that letter.
Mr. CLEVELAND read as follows:

SAINT LOUIS, *December* 21, 1885.

DEAR SIR: Yours of 19th instant to hand, and in reply will say that the proposition of Mr. Henley--Sam Jackson's father-in-law—is that you furnish the capital to do the business and give Jackson half of the profits.

I understand from you that he made the same proposition to you. Mr. Henley said that he was authorized by Jackson to make the proposition.

Yours, &c.,

DAVID W. CARUTH.

C. A. CLEVELAND.

The CHAIRMAN. Now state what the proposition was which Mr. Henley made to you.

Mr. CLEVELAND. He made the proposition that Jackson was to furnish the license and we to furnish the capital, do all the work and give him half of the profits.

The CHAIRMAN. What reply did you make to that?

Mr. CLEVELAND. I asked him if he thought that was a fair proposition.

Senator BLACKBURN. You asked who?

Mr. CLEVELAND. He said "It depends altogether in what position you are."

Senator BLACKBURN. You asked that question of whom?

Mr. CLEVELAND. Of Mr. Henley.

The CHAIRMAN. And he said what?

Mr. CLEVELAND. He said, "It depends altogether in what position you are."

Senator CULLOM. What time did this occur?

Mr. CLEVELAND. This occurred prior to December 19; I don't recollect the date.

Senator CULLOM. It was after you had had notice to quit?

Mr. CLEVELAND. Yes; after October 5.

The CHAIRMAN. And while you were on your way from Anadarko to Washington?

Mr. CLEVELAND. Yes, sir.

The CHAIRMAN. Did he explain any more fully what he meant by saying that it depended on what position you were in?

Mr. CLEVELAND. No, sir; he did not explain anything further about that.

Senator CULLOM. You came right on to Washington from there, did you?

Mr. CLEVELAND. Yes, sir.

Senator CULLOM. And saw the Commissioner?

Mr. CLEVELAND. I did.

The CHAIRMAN. And he declined to relicense you and said he would not relicense you?

Mr. CLEVELAND. Yes, sir.

The CHAIRMAN. Was there any extension of your license?

Mr. CLEVELAND. Yes; he stated that he would not compel me to move until another trader had come there with goods—another appointee, and gone into business or was ready for business.

The CHAIRMAN. Did you yourself communicate to the Commissioner, or to any one in the office, the proposition which Mr. Jackson had made to you and which Mr. Henley had made to you?

Mr. CLEVELAND. It was presented to him.

The CHAIRMAN. I asked you whether you presented it yourself personally?

Mr. CLEVELAND. No, sir; not to the Commissioner.
The CHAIRMAN. Did you to any one in the office—yourself personally?
Mr. CLEVELAND. No, sir.
The CHAIRMAN. So that when you say it was communicated to him, you speak of what you have been told, that some one else did for you?
Mr. CLEVELAND. Yes, sir.
The CHAIRMAN. Did you make any written statement at that time?
Mr. CLEVELAND. Yes, sir.
The CHAIRMAN. To the Commissioner?
Mr. CLEVELAND. Yes, sir.
The CHAIRMAN. Did you keep a copy of it?
Mr. CLEVELAND. I did.
The CHAIRMAN. Have you got it here?
Mr. CLEVELAND. No, sir; I have not got it here.
The CHAIRMAN. Is this the statement which you presented to Commissioner Atkins at the time you were here?
Mr. CLEVELAND. You want to know if, up to the time I was here, I presented a written statement?
The CHAIRMAN. While you were here.
Mr. CLEVELAND. Yes, I presented this. I did not understand your question or what you meant previously. I thought you meant previous to my coming here.
The CHAIRMAN. How did you present it?
Mr. CLEVELAND. I went there with Mr. Hunter.
The CHAIRMAN. Is this a copy of what you presented there [handing a paper to Mr. Cleveland]?
Mr. CLEVELAND. This is the paper which I did present.
The CHAIRMAN. Did you take it away again or leave it there?
Mr. CLEVELAND. I left it there. This may be a copy.
The CHAIRMAN. Or a duplicate?
Mr. CLEVELAND. Or a duplicate.
The CHAIRMAN. Look it over and see if it is in substance the paper that you presented there.
Senator CULLOM. Does he say that this is the identical copy or a duplicate of it?
The CHAIRMAN. He thought it was the original one, but he is manifestly mistaken.
Mr. CLEVELAND. I did write two, and this may be the duplicate.
Senator CULLOM. It is the duplicate, I suppose.
Mr. CLEVELAND. I presume so.
The CHAIRMAN. You may read that.
Mr. Cleveland read as follows:

WASHINGTON, D. C., *December* 28, 1885.

To the Hon. J. D. C. ATKINS,
Commissioner of Indian Affairs, Washington, D. C.:

SIR: I have the honor to herewith submit for your consideration a statement setting forth propositions from Mr. S. M. Jackson, of Dyersburg, Tenn., to myself (C. A. Cleveland), of the firm of C. A. Cleveland & Co., of Anadarko, Ind. T., and others.

Mr. Jackson, some time the fore part of July, came to Anadarko, Ind. T., with a license granted by yourself to trade with the Kiowa, Comanche, and Wichita tribes of Indians. Mr. Jackson while there offered me a partnership interest, he furnishing license and I (C. A. Cleveland & Co.) the capital, experience, established business, and credit. Mr. Jackson held out that others were ready to furnish capital and were willing to take a partnership with him in case we did not. He also showed me a letter, signed by your honor, in which was stated that he (Mr. S. M. Jackson) and one other had been granted a license to take the place of the "old traders" at the Kiowa, Comanche, and Wichita Agency.

We declined this proposition as not being a fair or just one, but told him we would sell him our stock and trade, &c. He then said that he had no ready money, but

could get all the goods on "time" that he wanted, but would much prefer to have us take an interest with him, as above proposed.

Mr. Jackson left Anadarko, Ind. T., for Dyersburg, Tenn. Some two weeks after we got a letter from him, asking us to make him a proposition for partnership. This we declined to do, but said, as he said he was to be at Anadarko some time in August, we decided to wait until his arrival. He did not come, or did he let us hear from him after July 29, 1885.

On October 5, 1885, your honor notified me that on the expiration of my license (February 1, 1886) I need not expect to have it renewed. Some time in December I went to Saint Louis on business. While there I found that Mr. Jackson had stated, or caused to be stated to some of my friends, as he had previously stated to me, that he would form a partnership with me, he securing the license, I furnishing all the capital, do all the work, and give him one-half net profits, and in case of failure on my part to accept his proposition, I would not be permitted to trade on the reservation—he in this connection frequently referring to his influence with you and ability to force my removal from the tradership.

Further, he (Jackson) authorized Thomas J. Henly, of Saint Louis, his father-in-law, to submit and make to me the same proposition, which he (Mr. Henly) did, also telling some of my friends to tell me what Mr. Jackson was willing to do, so as to be sure that I should be notified of his terms and conditions.

I came here a few days ago. After my arrival I wrote for information to Thomas J. Henly, who forwarded my letter to Mr. Jackson. Up to date I have not heard from him. I am here now to urgently request an early favorable answer to my application for a renewal of license. I have the honor to herewith inclose bond for faithful observance of all laws.

Very respectfully, your obedient servant,

C. A. CLEVELAND.

The CHAIRMAN. Now, was it before or after that Commissioner Atkins told you that he should not renew your license?

Mr. CLEVELAND. I think it was both before and afterwards.

Senator COKE. What is the date of that?

Mr. CLEVELAND. It is dated December 28, 1885.

Senator BLACKBURN. So that the matter may all come in coherently, I would like to know what date he filed that with the Commissioner, and whether he left a copy, or whether he simply presented it to the Commissioner, read it, and withdrew it.

The CHAIRMAN. I have a letter here from Mr. Hunter, his counsel, or a copy of one, which he will testify to when he comes to testify, inclosing that statement on December 30th.

Senator BLACKBURN. But what I want is to get this witness to state what he had to do with it, whether he filed it, delivered it to the Commissioner, or had him read it in his presence and withdrew it, and then tell us the date on which the thing occurred.

The CHAIRMAN. You ask him the question.

Senator BLACKBURN. What connection had you with the presentation of that statement to the Commissioner of Indian Affairs?

Mr. CLEVELAND. I was with Mr. Hunter.

Senator BLACKBURN. I do not ask you what Mr. Hunter did, but I ask you what you did.

Mr. CLEVELAND. I did not really have anything to do with it.

Senator BLACKBURN. Did you present it to the Commissioner?

Mr. CLEVELAND. No, sir.

Senator BLACKBURN. Did you see it presented?

Mr. CLEVELAND. Yes, by Mr. Hunter.

Senator BLACKBURN. When was it presented by Mr. Hunter?

Mr. CLEVELAND. On December 30 or 31, 1885.

Senator BLACKBURN. Did the Commissioner read it?

Mr. CLEVELAND. Not in my presence; not while I was there.

Senator BLACKBURN. Did he retain it?

Mr. CLEVELAND. He did.

Senator BLACKBURN. It is there now?

Mr. CLEVELAND. It should be.

The CHAIRMAN. How long did you remain in Washington?

Mr. CLEVELAND. I left here on the 13th January, 1886, I think it was.

The CHAIRMAN. What did you do after that statement was filed with Commissioner Atkins with reference to trying to obtain a renewal of your license?

Mr. CLEVELAND. I do not recollect what I did do very much.

The CHAIRMAN. Did you have any one else see the Commissioner on your behalf?

Mr. CLEVELAND. Senator Vest saw the Commissioner several times.

The CHAIRMAN. Did you have any further personal interview with the Commissioner or make any statement after that, or written statement which was filed?

Mr. CLEVELAND. I do not think I did; I do not recollect that I did.

The CHAIRMAN. I will not ask you to state what Senator Vest told you, because Senator Vest has indicated to the committee that he would be very glad to make a statement of his connection with the transaction. You left Washington, as I understand it, without having obtained any promise from the Commissioner of a renewal of your license?

Mr. CLEVELAND. No, he did not promise any renewal.

The CHAIRMAN. What did you understand when you went away?

Mr. CLEVELAND. I understood that I would not be disturbed until such time as his appointees should be there in operation at that place—should be there ready to do business at that place.

The CHAIRMAN. Do you know just the date at which you left Washington?

Mr. CLEVELAND. I think it was on the 13th of January.

The CHAIRMAN. What next did you get in the way of notification from the Commissioner?

Mr. CLEVELAND. I got a notification—I forget the date of it—stating that I would not—it was the 30th of April, I think.

The CHAIRMAN. Stating that you would not what?

Mr. CLEVELAND. That my license would not be renewed.

The CHAIRMAN. Is this the notification to which you refer [exhibiting a paper]?

Mr. CLEVELAND. Yes, that is it,

The CHAIRMAN. You may read it.

Mr. Cleveland read as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, April 30, 1886.

GENTLEMEN: This will advise you that the United States Indian agent at the Kiowa Agency will be instructed to close your trading establishment on June 1 next. You were given ample notice that your license would not be renewed, and have been given repeated extensions of your license in order to enable you to close your business without loss.

The above order will not be modified, and it is earnestly hoped that you can arrange your business so as to vacate the position without serious financial loss.

Very respectfully,

J. D. C. ATKINS,
Commissioner.

C. A. CLEVELAND & CO.,
Anadarko, Ind. T.

The CHAIRMAN. What is the date of that?

Mr. CLEVELAND. April 30, 1886.

The CHAIRMAN. What was the next notification that you received, if anything?

Mr. CLEVELAND. I cannot call to mind just what it was.

The CHAIRMAN. Did you receive anything from the Indian agent at Anadarko?

Mr. CLEVELAND. I got something from him; I do not know just what it was now; I did not keep any memorandum of it.

The CHAIRMAN. See if you received that from the Indian agent [exhibiting a letter]?

Mr. CLEVELAND. Yes, I received this.

The CHAIRMAN. Look on the back of it. If you remember to have received that from the Indian agent you may read it.

Mr. CLEVELAND. Yes; I believe I did. [Reading:]

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., May 7, 1886.

SIR: You will advise the trading firm of C. A. Cleveland & Co., at the Kiowa Agency, that the extension of license under which they are now trading will expire on June 1, 1886. This order is positive and will not be modified, and you will see that they and their goods are removed from the agency at the expiration of this extension, or as soon thereafter as practicable.

Very respectfully,

J. D. C. ATKINS,
Commissioner.

J. LEE HALL,
U. S. Indian Agent, Kiowa, Comanche, and Wichita Agency, Ind. T.

The CHAIRMAN. Turn to the back of that letter and read the indorsement on it.

Mr. Cleveland read the indorsement on the foregoing letter as follows:

K., C., AND W. AGENCY, ANADARKO, IND. T.,
May 12, 1886.

SIRS: I hand you the within copy of the honorable Commissioner's letter of the 7th instant, for your information and guidance.

Very respectfully,

J. LEE HALL,
U. S. Indian Agent, per C., Clerk.

C. A. CLEVELAND & CO.,
Anadarko, Ind. T.

The CHAIRMAN. What is the date of that indorsement?

Mr. CLEVELAND. May 12, 1886.

The CHAIRMAN. That was a notice that your goods could not be permitted to remain there after June 1?

Mr. CLEVELAND. Yes, sir.

The CHAIRMAN. What did you do June 1?

Mr. CLEVELAND. I closed up the store, and as soon as I could get teams in sufficient number to move some of them and get a building to put them in, I moved.

The CHAIRMAN. You moved to what place?

Mr. CLEVELAND. To Doan's, Tex.

Senator COKE. What county is that in?

Mr. CLEVELAND. It is in Wilbarger County.

The CHAIRMAN. Is that on an Indian reservation?

Mr. CLEVELAND. No, sir; it is in the State of Texas.

The CHAIRMAN. What are the facilities for trade there?

Mr. CLEVELAND. There is a cattle-trail that runs right along there, a large trail, and thousands of cattle go by there every day almost.

The CHAIRMAN. Are you trading there now?

Mr. CLEVELAND. Yes, sir.

Senator CULLOM. Not with the Indians?

Mr. CLEVELAND. There are some who come over there, a few.

The CHAIRMAN. But the bulk of your trade is with others?

Mr. CLEVELAND. Yes, it has been. The trade has been that way all the time heretofore; I do not know what it may be now.

Senator CULLOM. It is a trade that does not require a license from the Government?

Mr. CLEVELAND. No, sir; it does not require a license from the Government.

The CHAIRMAN. What has become of your building?

Mr. CLEVELAND. It is there at the agency.

The CHAIRMAN. Have you been able to dispose of it?

Mr. CLEVELAND. No, sir; not so far as I know.

The CHAIRMAN. What is the effect of being obliged to move upon your business?

Mr. CLEVELAND. It is a great loss to myself or to any one who has to do it.

The CHAIRMAN. What value in stock of goods do you think you had at the agency at the time you were notified?

Mr. CLEVELAND. Somewhere in the neighborhood of $12,000 worth of goods.

The CHAIRMAN. Can you estimate the loss which was sustained?

Mr. CLEVELAND. No, sir; I could not now.

The CHAIRMAN. Do you know of any way in which you can dispose of your building?

Mr. CLEVELAND. No, sir; I do not.

The CHAIRMAN. Is it occupied now?

Mr. CLEVELAND. I think that the chief clerk of the department there is using some of the rooms, and I think the doctor is also.

The CHAIRMAN. The chief clerk of the agency?

Mr. CLEVELAND. The Indian agent's chief clerk.

The CHAIRMAN. Has there been any arrangement made for rent?

Mr. CLEVELAND. I do not know; my brother did not say.

The CHAIRMAN. Have you got all your goods away from there now?

Mr. CLEVELAND. No, sir; I have not. I was not able to get teams to take all the others. We got some Indians to haul those that we did take away.

The CHAIRMAN. How far did you have to take them?

Mr. CLEVELAND. About 100 miles.

The CHAIRMAN. Has there been any trade in your goods at the agency since the 1st of June?

Mr. CLEVELAND. No, sir. I do not know but what he has managed to sell some few things that the other traders wanted to them. But as a general thing we did not sell anything to anybody except to the traders. I think they bought a few things.

The CHAIRMAN. Can you estimate the loss that you have suffered outside of the building?

Mr. CLEVELAND. No, sir; I cannot now.

Senator BLACKBURN. What did you say was being done with that building now?

The CHAIRMAN. He said the clerk of the Indian agency and the doctor were occupying some portions of it. [To Mr. Cleveland.] Can you approximate it?

Mr. CLEVELAND. I suppose I could. I do not know how nearly it would be correct. I could make some approximation of it, I presume. I should say it would not be over $8,000 in goods, probably not that much. That is the loss incurred in shipping and so forth.

The CHAIRMAN. How much did it cost to move you down there?

Mr. CLEVELAND. I could not tell; it costs so much a hundred. They generally charge 1 cent a pound per 100 miles, that is $1 a hundred for a 100 miles; that is the average price.

The CHAIRMAN. Is there anything else that you can state with regard to this transaction of your own personal knowledge?

Mr. CLEVELAND. I do not know; I cannot think of anything now, but there may be possibly something that I might if I had looked up the matter a little better, perhaps. I am not very brisk in keeping recollections or calling things to mind.

The CHAIRMAN. You have some papers at Anadarko that you have referred to, which you did not bring with you?

Mr. CLEVELAND. Yes, I have some papers there that probably may be of some benefit to you.

The CHAIRMAN. Will you forward them to the committee when you get home?

Mr. CLEVELAND. Yes, sir; I have written for some of them already. I wrote to my brother and sent him the key of the safe there, and they may be here at any time.

The CHAIRMAN. Where are the papers—in Texas?

Mr. CLEVELAND. No, sir; at the agency.

The CHAIRMAN. From what place did you start to come here?

Mr. CLEVELAND. From Doan's, Tex.

The CHAIRMAN. So that you had no opportunity to go to Anadarko to get the papers?

Mr. CLEVELAND. No, sir; I would have had to ride 300 miles by stage or horseback to get to the agency.

The CHAIRMAN. I understand that in your efforts to obtain a renewal or extension of your license you were represented in the office by Mr. Hunter as your attorney?

Mr. CLEVELAND. Yes, sir.

The CHAIRMAN. And I also understand that Senator Vest exercised some influence, or endeavored to, in your behalf?

Mr. CLEVELAND. Yes, sir.

Senator CULLOM. Your brother is remaining at the agency?

Mr. CLEVELAND. Yes, he is there now looking after the property and trying so that he can get away as soon as possible.

The CHAIRMAN. What portion of the goods do you think you have already removed to Doan's?

Mr. CLEVELAND. I do not think there is half in value probably, but probably more than half in weight. There is not much difference from half. There were seven loads of it.

The CHAIRMAN. Did you personally communicate with Commissioner Atkins, or anybody in the office, information of this proposition of Mr. Jackson's to you prior to the 30th of December, when that written statement was filed?

Mr. CLEVELAND. I do not think I ever did. This was the first written statement of Jackson's that I recollect of ever personally superintending and forwarding to the Commissioner.

The CHAIRMAN. Did you in any oral conversation prior to that time tell him of Jackson's proposition to you?

Mr. CLEVELAND. Yes; I think I did. When we were in the office there once before I stated that Jackson had offered to make such a proposition and did make such a proposition.

The CHAIRMAN. That was after you came on here?

Mr. CLEVELAND. Yes, that was in December.

The CHAIRMAN. Did the Commissioner make any reply in your presence to this written communication which was left with him with reference to Jackson's proposition to you?

Mr. CLEVELAND. He did make some remark about that, but I do not recollect what it was.

Senator CULLOM. You say you told him in addition to this written statement?

Mr. CLEVELAND. I think I made some remark to him about it previous to this written statement.

Senator CULLOM. Before you filed this document?

Mr. CLEVELAND. Yes, sir.

The CHAIRMAN. Do you remember hearing any statement in the office by Commissioner Atkins, or by any of his officers, to the effect that it was hardly probable that Jackson would make a statement of that sort because his brother, the Senator, was amply able to furnish capital?

Mr. CLEVELAND. There was something said about it, but I do not recollect exactly just what it was now.

The CHAIRMAN. Did you at any time make an affidavit?

Mr. CLEVELAND. Yes, sir.

The CHAIRMAN. When was that?

Mr. CLEVELAND. That was some time in the fore part of January, I think.

The CHAIRMAN. While you were still here?

Mr. CLEVELAND. Yes, sir.

The CHAIRMAN. Do you know personally whether it was an affidavit setting up these facts which you have testified to here to-day substantially?

Mr. CLEVELAND. Yes, sir.

The CHAIRMAN. Do you know what was done with that affidavit?

Mr. CLEVELAND. I left it in the hands of Mr. Hunter.

The CHAIRMAN. You do not know, of your own knowledge, except from information you may have had, that it was presented to Commissioner Atkins?

Mr. CLEVELAND. No, sir; I do not know that I do.

The CHAIRMAN. For what purpose did you leave it in Mr. Hunter's hands?

Mr. CLEVELAND. I left it in case there was an investigation that it could be used if necessary.

The CHAIRMAN. I do not think there is anything more I desire to ask.

Senator BLACKBURN. I have several questions I wish to ask him. I would like to ask him one question to furnish the answer to the chairman. You state you left that affidavit for the purpose of having it used in the matter of an investigation?

Mr. CLEVELAND. Yes, or something to that effect, if there was anything they required.

Senator BLACKBURN. An investigation of what?

Mr. CLEVELAND. Of my rights.

Senator BLACKBURN. And the action of the Commissioner of Indian Affairs?

Mr. CLEVELAND. Yes; or Mr. Jackson's.

Senator BLACKBURN. Then you contemplated an investigation being had?

Mr. CLEVELAND. I contemplated something to be done to protect my interest.

Senator BLACKBURN. Then why is it that you come here without your papers?

Mr. CLEVELAND. Perhaps it was a want of business methods on my part.

Senator BLACKBURN. You filed this affidavit in the early part of January, looking for an investigation to be had, and you were advised that that investigation was on foot before you came on here, were you not?

Mr. CLEVELAND. Yes; before I came here.

Senator BLACKBURN. That is what you came for?

Mr. CLEVELAND. Yes, sir.

Senator BLACKBURN. And yet you came without your papers?

Mr. CLEVELAND. Yes, sir.

The CHAIRMAN. I understood you to say that your papers were at Anadarko?

Mr. CLEVELAND. Yes, some of them.

The CHAIRMAN. And you left from Doan's and did not go to Anadarko, but you sent the key of your safe to your brother and asked him to forward the papers to Washington?

Mr. CLEVELAND. Yes, sir.

Senator BLACKBURN. When were you at Anadarko last?

Mr. CLEVELAND. The fore part of June.

Senator BLACKBURN. You have been there since January?

Mr. CLEVELAND. Oh, yes, sir.

Senator CULLOM. I think we shall have to adjourn now.

The committee then, without concluding the examination of the witness, adjourned until Thursday, July 15, 1886, at 10 o'clock a. m.

WASHINGTON, D. C., *July* 15, 1886.

The committee met pursuant to adjournment at 10 o'clock a. m.

The CHAIRMAN (to Senator Blockburn). I believe you desire to ask Mr. Cleveland some questions.

Senator BLACKBURN. Yes; I have a few questions I would like to put to him.

TESTIMONY OF CHARLES A. CLEVELAND—Continued.

Mr. CHARLES A. CLEVELAND was recalled, and his examination was continued as follows:

Mr. CLEVELAND. I would like to make a statement before my examination is resumed to correct something that I stated when I was before the committee the other day. It is in reference to my having stated that I had no attorney when my letter and my brother's affidavit were filed with the Commissioner January 31, 1884. I did have an attorney, but I did not use him on that occasion. That is what I meant to have said.

Senator BLACKBURN. Who was your attorney?

Mr. CLEVELAND. Mr. Hunter.

Senator BLACKBURN. He has been your attorney as far back as 1884?

Mr. CLEVELAND. Yes, sir; and previous to that.

Senator BLACKBURN. How long before that?

Mr. CLEVELAND. Well, 1883. I want to make one other remark in reference to my papers that I left at Anadarko. There is only one

paper there that has any bearing on this case at all, and a record of that is in the Commissioner's office—a copy of the Commissioner's order of October 5 in reference to my license not being renewed at the time of its expiration.

Senator BLACKBURN. That is the only paper that you have which is of value, in your opinion, in this matter?

Mr. CLEVELAND. Yes, sir.

Senator BLACKBURN. And there is a copy of that on file in the Commissioner's office?

Mr. CLEVELAND. Yes; the original is there.

Senator BLACKBURN. So that there is no necessity for your having any papers which you have left at Anadarko?

Mr. CLEVELAND. Not particularly.

Senator BLACKBURN. What was the nature of that affidavit filed by your brother?

Mr. CLEVELAND. It was that there was no such talk as Mr. Reynolds set up in reference to an agreement between him and me.

Senator BLACKBURN. I understand, then, that that affidavit set up the fact that there had been no agreement made by J. J. Fisher & Co. not to trade upon that reservation whilst Reynolds was selling goods there?

Mr. CLEVELAND. There had been no agreement between Reynolds and me.

Senator BLACKBURN. Did that affidavit of your brother include the firm or only yourself?

Mr. CLEVELAND. It included me.

Senator BLACKBURN. It did not say that the firm had not made any such agreement, but that you had; it did not state that the firm had made no such agreement, but that you, as a member of the firm, had made none?

Mr. CLEVELAND. I belive that is the way of it.

Senator BLACKBURN. Had your brother been interested in the firm of J. J. Fisher & Co.?

Mr. CLEVELAND. No, sir.

Senator BLACKBURN. Was he not a partner in it?

Mr. CLEVELAND. No, sir.

Senator BLACKBURN. Or in its employ?

Mr. CLEVELAND. He was employed by us.

Senator BLACKBURN. Employed by you as what?

Mr. CLEVELAND. As a clerk.

Senator BLACKBURN. As a clerk to sell goods?

Mr. CLEVELAND. Yes, sir.

Senator BLACKBURN. At the time he made this affidavit, how long had he been in this clerical service?

Mr. CLEVELAND. At the time we sold to Reynolds he had been there some months; I do not recollect just how long now.

Senator BLACKBURN. Why did you not make that affidavit?

Mr. CLEVELAND. Well, he was there at the final conclusion of the sale and knew what was said between Reynolds and myself.

Senator BLACKBURN. Well, you knew, did you not?

Mr. CLEVELAND. Certainly I did, but I thought it would have more effect to have his testimony in the matter.

Senator BLACKBURN. Did you think his oath was better than yours?

Mr. CLEVELAND. Well, I could make an affidavit, too, if it was necessary afterwards.

Senator BLACKBURN. But you did not make one?

Mr. CLEVELAND. No, sir; I did not.

Senator BLACKBURN. Was it possible that your brother or any man in the world should know enough to be able to swear that you had never made a statement of that or any other character?

Mr. CLEVELAND. He did not say that I had never made a statement, that I recollect; he said at that time.

Senator BLACKBURN. Have you a copy of that affidavit?

Mr. CLEVELAND. No, sir.

Senator BLACKBURN. Who has a copy of it?

Mr. CLEVELAND. It is in the Commissioner's hands.

Senator BLACKBURN. We will get it there then. You never made any such agreement with Reynolds & Co.?

Mr. CLEVELAND. No, sir.

Senator BLACKBURN. Did any member of the firm of Fisher & Co. make any such agreement?

Mr. CLEVELAND. I cannot say.

Senator BLACKBURN. Did you ever hear that any member of that firm entered into such an obligation with Reynolds?

Mr. CLEVELAND. No, sir.

Senator BLACKBURN. Did you ever hear that any member of that firm ever filed a notification in writing, by letter or otherwise, with the Commissioner of Indian Affairs that they had?

Mr. CLEVELAND. I believe there was an indorsement made on Mr. Reynolds's letter that such an agreement had been made.

Senator BLACKBURN. By whom was that indorsement made?

Mr. CLEVELAND. By Mr. Fisher and Mr. Moller, of the firm.

Senator BLACKBURN. Who constituted that firm?

Mr. CLEVELAND. Mr. Fisher, Mr. Moller, and myself.

Senator BLACKBURN. Then you believe that there was an indorsement made by the two senior members of the firm, admitting that such an agreement had been made with Reynolds?

Mr. CLEVELAND. Yes, sir.

Senator BLACKBURN. What is your ground for that belief?

Mr. CLEVELAND. Well, I think I have a copy of it.

Senator BLACKBURN. What is the date of it?

Mr. CLEVELAND. I cannot say as to the date.

Senator BLACKBURN. Can you approximate it?

Mr. CLEVELAND. It was some time between November 1 and December 15, 1882, I think.

Senator BLACKBURN. When did you get a copy of it?

Mr. CLEVELAND. I think I got it after my license was revoked.

Senator BLACKBURN. You say you think you got it after your license was revoked?

Mr. CLEVELAND. Yes, sir.

Senator BLACKBURN. When did you first hear that Fisher and Moller had made that indorsement?

Mr. CLEVELAND. When I got the letter from whoever sent it—from the Commissioner, I think, or from the agent, perhaps.

Senator BLACKBURN. And about what time was that?

Mr. CLEVELAND. I cannot say. It was, I think, after December 15, 1882, after my license was revoked.

Senator BLACKBURN. When was this affidavit of your brother's made?

Mr. CLEVELAND. I cannot tell you that now.

Senator BLACKBURN. Was it made before or after you got the copy of this indorsement made by Fisher and Moller?

Mr. CLEVELAND. I am not sure whether it was before or after that time.

Senator BLACKBURN. What is your best opinion in regard to the matter?

Mr. CLEVELAND. I think it was after that.

Senator BLACKBURN. Is it or not a fact that you knew at the time your brother made that affidavit that the two senior members of this firm had officially notified the Commissioner of Indian Affairs, in writing, that such an agreement had been made by which each member of this firm, yourself included, was obligated and bound not to trade on the reservation whilst Reynolds was trading there, and is not that the reason that you got your brother to file that affidavit instead of your filing it?

Mr. CLEVELAND. No, sir; that is not the reason.

Senator BLACKBURN. Then what is the reason?

Mr. CLEVELAND. Because it is not a fact that there was any such agreement made between Reynolds and myself.

Senator BLACKBURN. I am not speaking of you; I am speaking of the firm of J. J. Fisher & Co.

Mr. CLEVELAND. I have been advised that the members of the firm of J. J. Fisher & Co. could not hold me responsible for anything they had done after they had gone into liquidation.

Senator BLACKBURN. When and from whom did you get that advice?

Mr. CLEVELAND. From various lawyers; various men.

Senator BLACKBURN. Name them, please.

Mr. CLEVELAND. I do not recollect what the names were, now.

Senator BLACKBURN. Not one of them?

Mr. CLEVELAND. I do not know that I do. Different parties have told me so.

Senator BLACKBURN. Did not your original counsel, Mr. Hunter, tell you that?

Mr. CLEVELAND. No, sir.

Senator BLACKBURN. He never has told you or advised you that?

Mr. CLEVELAND. I do not think he has.

Senator BLACKBURN. For what purpose did you retain him since 1883 as counsel?

Mr. CLEVELAND. To help me in any matters where I might need him.

Senator BLACKBURN. Your matters?

Mr. CLEVELAND. Yes, sir.

Senator BLACKBURN. Do you not think that was one of them?

Mr. CLEVELAND. I did not go to him at that time.

Senator BLACKBURN. You have not been to him since?

Mr. CLEVELAND. Yes, I have seen him a good many times.

Senator BLACKBURN. On this subject I mean.

Mr. CLEVELAND. I do not know that I ever mentioned this subject to him.

Senator BLACKBURN. Do you know that you did not mention it to him?

Mr. CLEVELAND. Well, I cannot say.

Senator BLACKBURN. Will you swear that you have not had any counsel with him on that subject?

Mr. CLEVELAND. No, sir.

Senator BLACKBURN. Will you say that you did have?

Mr. CLEVELAND. No, sir.

Senator BLACKBURN. Then you will not answer?

Mr. CLEVELAND. I cannot.

Senator BLACKBURN. Now, then, you say various lawyers advised you to that effect. Will you give me the name of one?

Mr. CLEVELAND. I do not think I can.

Senator BLACKBURN. Lawyers advised you, but you remember no names now. But you know that somebody, whom you regarded as a lawyer, advised you that the firm of J. J. Fisher & Co. had no right to bind you as a member of that firm, by any such agreement. Is that what you state?

Mr. CLEVELAND. What was that?

Senator BLACKBURN. That some lawyers, whom you do not remember now, advised you to the effect that J. J. Fisher & Co. had no right to bind you by an agreement such as has been referred to.

Mr. CLEVELAND. Yes, that is what I said, I believe.

Senator BLACKBURN. Were you a member of that firm when the purchase was made from Evans & Co.?

Mr. CLEVELAND. I took an interest—Fisher bought Evans out previous to my taking an interest.

Senator BLACKBURN. When the firm of J. J. Fisher & Co. sold out to Reynolds, in round numbers, what was the amount of stock on hand?

Mr. CLEVELAND. There was somewhere between $18,000 or $22,000 or $23,000.

Senator BLACKBURN. What was the amount of purchase-money paid; the whole consideration?

Mr. CLEVELAND. That was it.

Senator BLACKBURN. Was it not $26,000 or $28,000?

Mr. CLEVELAND. I do not recollect. My memory does not serve me enough to swear to the exact amount.

Senator BLACKBURN. Can you get somewhere in the neighborhood of it?

Mr. CLEVELAND. I say somewhere in the neighborhood of $18,000 to $22,000 or $23,000, I presume.

Senator BLACKBURN. You do not know anything about it?

Mr. CLEVELAND. I do not recollect the amount.

Senator BLACKBURN. You cannot get within $5,000 of it, can you?

Mr. CLEVELAND. If it was more than that, I am not that close then.

Senator BLACKBURN. But you do not say whether it was more or less. Was there nothing included in the amount paid by Reynolds to J. J. Fisher & Co. except the value of the goods on hand?

Mr. CLEVELAND. That was all.

Senator BLACKBURN. No good will included there?

Mr. CLEVELAND. No, sir.

Senator BLACKBURN. Then, if the stock of goods was $17,000 or $18,000, as you say it was, and the amount paid by Reynolds was $26,000 or $28,000, what was the difference paid for; what was the balance paid for?

Mr. CLEVELAND. He did not pay anything more than the value or amount the goods were invoiced at.

Senator BLACKBURN. You are sure of that?

Mr. CLEVELAND. Yes, sir.

Senator BLACKBURN. You spoke of this interview which you had with this man Jackson out there, in which he made this proposition to you that he would put up his license and you furnish the capital and do all the work, and give him half the profits?

Mr. CLEVELAND. Yes, sir.

Senator BLACKBURN. Was that the same interview in which he notified you that if you did not accept those terms that you would not be allowed to trade there?

Mr. CLEVELAND. It was while he was out there.

Senator BLACKBURN. How many interviews did you have with him?

Mr. CLEVELAND. I do not recollect exactly how many we did have. There were several times that we had conversations.

Senator BLACKBURN. I am referring to the one in which he told you that if you did not take that proposition you would not be allowed to trade there any more. Where did that interview occur?

Mr. CLEVELAND. At the agency.

Senator BLACKBURN. Whereabouts?

Mr. CLEVELAND. In the store, I think.

Senator BLACKBURN. Who was present?

Mr. CLEVELAND. My brother.

Senator BLACKBURN. Who else?

Mr. CLEVELAND. Mr. Jackson.

Senator BLACKBURN. Who else?

Mr. CLEVELAND. Myself.

Senator BLACKBURN. Who else?

Mr. CLEVELAND. No one else.

Senator BLACKBURN. Is that the same brother who filed this affidavit?

Mr. CLEVELAND. Yes, sir.

Senator BLACKBURN. He showed you a letter from the Commissioner of Indian Affairs, did he not?

Mr. CLEVELAND. Yes, sir.

Senator BLACKBURN. To whom was that letter addressed—to Mr. Jackson?

Mr. CLEVELAND. It was addressed to Mr. Jackson.

Senator BLACKBURN. Was it an official or a personal letter?

Mr. CLEVELAND. I do not know. I do not recollect whether it was official or personal. I should judge it was a personal letter.

Senator BLACKBURN. You do not know, though?

Mr. CLEVELAND. I could not swear that it was not a personal letter or that it was not an official letter.

Senator BLACKBURN. In all this correspondence which occurred between you and Mr. Jackson (there have been a good many of Mr. Jackson's letters filed here) did you write him any letters?

Mr. CLEVELAND. I think I wrote him one, I am not sure whether I did or not; I think that was all that I wrote him.

Senator BLACKBURN. Your recollection seems to be very indistinct and indefinite this morning about everything; I have not been able to find a solitary thing yet that you are positive about this morning. You do not know whether you wrote him any letters?

Mr. CLEVELAND. I am not just sure that I did.

Senator BLACKBURN. If you did write him one, what did you tell him?

Mr. CLEVELAND. Well, there was one letter, I think; that said if he was coming back in August—he asked for a proposition, but I would not make him one, but preferred to talk—he wrote at one time that he expected to be back some time in August or the 1st of September; and in answer to that letter, if I wrote it, I stated that if he was coming back that soon I would prefer not to make any proposition; that I would not make any proposition to him; that I would prefer to talk to him.

Senator BLACKBURN. About what date was that?

Mr. CLEVELAND. It was some time in August, I think, probably.

Senator BLACKBURN. Did you ever make him any proposition to go into business with you there?

Mr. CLEVELAND. I told him I would sell to him.

Senator BLACKBURN. Was that the only proposition you ever made?

Mr. CLEVELAND. I think it was.

Senator BLACKBURN. Are you positive of that?

Mr. CLEVELAND. Well, if there was any other proposition made it was that he would furnish as much capital as we did, or as we had, if there was any other.

Senator BLACKBURN. Well, was there any other.

Mr. CLEVELAND. I say I do not know whether there was or not.

Senator BLACKBURN. Do you expect us to be satisfied with your answer to a question as plain as that? You surely know whether you ever made this man a business proposition involving the business you had in hand, and I simply ask you to say whether you did or not.

Mr. CLEVELAND. Well, I do not recollect.

Senator BLACKBURN. You spoke of a personal interview that you had with General Atkins, Commissioner of Indian Affairs, here in Washington; you stated that day before yesterday. Did you ever have but one personal interview with General Atkins upon this subject?

Mr. CLEVELAND. I called at his office several times.

Senator BLACKBURN. Did you have interviews with him every time?

Mr. CLEVELAND. I did not have much conversation with him at any time.

Senator BLACKBURN. Did you have any conversation with him more than once; if so, how many times?

Mr. CLEVELAND. I was there two or three times.

Senator BLACKBURN. On this subject?

Mr. CLEVELAND. I may possibly have spoken to him something about it the first time I went in there, in reference to Mr. Jackson.

Senator BLACKBURN. Well, did you?

Mr. CLEVELAND. I say I do not recollect whether I did or not.

Senator BLACKBURN. I am going to keep on questioning you, in hope, until I find something that you do recollect. Now, did you ever talk with Commissioner Atkins about this thing at all?

Mr. CLEVELAND. If I did it was at that time when I went in there.

Senator BLACKBURN. But did you?

Mr. CLEVELAND. I may have talked a little with him; I do not recollect just what I said.

Senator BLACKBURN. No matter how little, but you did have an interview with Commissioner Atkins then on this subject?

Mr. CLEVELAND. I was there two or three times. I do not know whether you would call it an interview or not.

Senator BLACKBURN. I will ask you this question: Was there ever a word on earth passed between you and Commissioner Atkins relating to this subject—relating to Mr. Jackson?

Mr. CLEVELAND. I possibly may have told him about what Mr. Jackson's proposal was to me.

Senator BLACKBURN. It is possible I told him about the same thing, but I did not.

Mr. CLEVELAND. But I do not recollect what I did say to him.

Senator BLACKBURN. I did not ask that. I asked you if you ever said anything to him in your life on that subject.

Mr. CLEVELAND. I think I did.

Senator BLACKBURN. When?

Mr. CLEVELAND. At one of these interviews; I do not know what day. It was in December, 1885, or January, 1886.

Senator BLACKBURN. Then that is it. It was either December, 1885, or January, 1886; that is, the last of December or the first of January?

Mr. CLEVELAND. Yes, sir.

Senator BLACKBURN. In that interview what passed between you and Commissioner Atkins?

Mr. CLEVELAND. I do not recollect.

Senator BLACKBURN. You recollect nothing of it?

Mr. CLEVELAND. No, sir; not what I said; what I could swear to.

Senator BLACKBURN. What were you doing in Washington at that time?

Mr. CLEVELAND. I was trying to see if I could not make some arrangement whereby I could stay there as a trader with the Indians.

Senator BLACKBURN. Is it not a fact that you had come all the way from that agency here to see the Commissioner of Indian Affairs on this very subject?

Mr. CLEVELAND. On the subject of Mr. Jackson's proposition?

Senator BLACKBURN. On the subject of your tradership there?

Mr. CLEVELAND. Yes, sir.

Senator BLACKBURN. And you had an interview with him and yet do not recollect what passed in that interview?

Mr. CLEVELAND. I did not have an interview enough to keep it in mind. I did not say enough of anything to keep it in my memory.

Senator BLACKBURN. Did you not say day before yesterday in your testimony that you told Commissioner Atkins of the proposition which this Mr. Jackson had submitted to you?

Mr. CLEVELAND. I said just now that probably I said so.

Senator BLACKBURN. Did you not say day before yesterday, flatly, that you did tell him so?

Mr. CLEVELAND. I do not recollect whether I did or not.

Senator BLACKBURN. I know you did, and I know you did tell him so, too, and you told the truth when you said it. Now, I will ask you this: What did Commissioner Atkins tell you in reply to that after you had told him about Jackson's proposition to extort one-half the profits without furnishing capital or service; what was Commissioner Atkins's reply to you?

Mr. CLEVELAND. I cannot tell you.

Senator BLACKBURN. Let me see if I cannot refresh your memory. Did or not Commissioner Atkins tell you then and there that after you had made those charges against that man he paid no attention to them, because you were still proposing to go into business and partnership with that same man. Did he tell you that?

Mr. CLEVELAND. I do not recollect that he did.

Senator BLACKBURN. Do you not think you would recollect it if he had told you?

Mr. CLEVELAND. It is possible I might have recollected it.

Senator BLACKBURN. You think it is possible you might have recollected it?

Mr. CLEVELAND. Yes, sir.

Senator BLACKBURN. I will ask you one more question. Is it or is it not a fact that after Mr. Jackson had made these demands upon you, you were still negotiating, writing letters and telegrams to him with a view of arriving at a satisfactory basis for a partnership between you and himself?

Mr. CLEVELAND. I do not think I ever wrote him with any view to making any such agreement with him or any such partnership arrangement with him.

Senator BLACKBURN. You telegraphed him from Washington to come on here?

Mr. CLEVELAND. I asked him had he better not come, I think.

Senator BLACKBURN. For what purpose?

Mr. CLEVELAND. He wanted to see me.

Mr. BLACKBURN. Did you want to see him?

Mr. CLEVELAND. If he wanted to see me I was perfectly willing to talk with him.

Senator BLACKBURN. What did you want to see him for, if at all, unless it was to make some arrangement for a partnership with him?

Mr. CLEVELAND. I wanted to protect my interests in some way.

Senator BLACKBURN. Was that the way?

Mr. CLEVELAND. I do not know whether it was or not.

Senator BLACKBURN. I will ask you to tell the committee whether or not you continued to replenish your stock of goods from the time you were notified by the Indian Commissioner that your license would not be renewed, up to last June, the first of last month?

Mr. CLEVELAND. I bought goods occasionally, yes, sir.

Senator BLACKBURN. When did you get that notification that your license would not be renewed?

Mr. CLEVELAND. I got it some time in October.

Senator BLACKBURN. Then from last October when you were notified that your license would not be renewed, you continued to replenish your stock of goods up to the first of last month?

Mr. CLEVELAND. No, I did not buy up to the first of last month.

Senator BLACKBURN. How late was it then that you continued to purchase goods?

Mr. CLEVELAND. I do not recollect the date when the last purchase was made.

Senator BLACKBURN. Give us some idea about it.

Mr. CLEVELAND. I think the last goods we received was some time in the fore part of May.

Senator BLACKBURN. The early part of May. You bought no goods then after the early part of May?

Mr. CLEVELAND. Not that I recollect now.

Senator BLACKBURN. Are you positive of that?

Mr. CLEVELAND. No, I could not swear that it was so.

Senator BLACKBURN. You stated day before yesterday that your stock of goods was worth about $12,000 at the time you closed up your business, I believe?

Mr. CLEVELAND. Yes, sir; somewhere in that neighborhood; may be not quite as much as that. The amount I do not recollect exactly.

Senator BLACKBURN. Was that a heavier or a lighter stock of goods than you have been in the habit of carrying since you have been a trader there?

Mr. CLEVELAND. We have had more at times and we have had less.

Senator BLACKBURN. How would that average?

Mr. CLEVELAND. That would average very well, I think.

Senator BLACKBURN. You think that was a full average?

Mr. CLEVELAND. A very fair average.

Senator BLACKBURN. And yet it was in June (the 1st of June) that you closed up your business there?

Mr. CLEVELAND. Yes, sir; the 1st of June.

Senator BLACKBURN. So that you had a fair average stock of goods on hand on the 1st of June, although you had been notified as far back as the October before that your license would not be renewed? Did you, or not, in keeping up your stock of goods in that way, contemplate a partnership with the man who held the license to trade?

Mr. CLEVELAND. No, sir.

Senator BLACKBURN. Why did you not want to go in with Mr. Jackson when he made that proposition to you? Was it because he asked too heavy a per cent., or because you thought it was a dishonorable proposition?

Mr. CLEVELAND. It was not an honorable proposition, that is what I considered it.

Senator BLACKBURN. That was your objection?

Mr. CLEVELAND. Yes, sir.

Senator BLACKBURN. Then why did you have negotiations with him afterwards?

Mr. CLEVELAND. He wrote letters and we answered them. He was the one who was all the time pressing it.

Senator BLACKBURN. You made appointments to meet him?

Mr. CLEVELAND. No, sir; I did not make any appointments to meet him.

Senator BLACKBURN. Did you not write to him that if he was coming to Anadarko, because you would not make the proposition then, to wait until he came, and did you not come here and telegraph him to come and meet you?

Mr. CLEVELAND. That was his proposition.

Senator BLACKBURN. But you were willing to meet him, were you not?

Mr. CLEVELAND. Certainly, I did not hesitate to see the man if he wanted to see me. I was perfectly willing he should come here and see me, and I let him know I was here.

Senator BLACKBURN. Do you know whether any friend of yours went to the Commissioner of Indian Affairs and urged that you should be allowed to come in with Jackson under that license as traders there?

Mr. CLEVELAND. No, sir; not under that license.

Senator BLACKBURN. Well, under any license in conjunction with Jackson?

Mr. CLEVELAND. No, sir.

Senator BLACKBURN. You do not know that any friends of yours had written letters here trying to secure that arrangement for you?

Mr. CLEVELAND. No, sir.

The CHAIRMAN. Suppose you put it in this way: securing a partnership on any terms?

Senator BLACKBURN. Well, on any sort of terms in the world with Jackson, so that you and he could be in partnership?

Mr. CLEVELAND. It is possible that some of my friends may have tried to secure on fair terms a partnership.

Senator BLACKBURN. Well, I know fully that I am a Christian and believe what the Bible tells me, that everything is possible if the Lord wills it. You have not given me an answer to-day that was not predicated on possibilities. Did you know that any friends of yours in Saint Louis or elsewhere had interceded to secure the privilege on any sort of terms between you and Jackson?

Mr. CLEVELAND. No, I did not positively know.

Senator BLACKBURN. Did you have any reason to suspect it?

Mr. CLEVELAND. I had some reason to suspect that they might do it.

Senator BLACKBURN. I did not ask you that. Did you have any reason to suspect that they had done it, or, in other words, did they not tell you that they had done it?

Mr. CLEVELAND. I do not recollect whether they did or not now.

Senator BLACKBURN. Did they not show you letters from a Senator of the United States stating that he had gone at their request and done it?

Mr. CLEVELAND. It was not for a partnership, as I understood.

Senator BLACKBURN. What was it?

Mr. CLEVELAND. It was to allow me to remain there.

Senator BLACKBURN. Without being in partnership with Jackson?

Mr. CLEVELAND. Yes, sir.

Senator BLACKBURN. Did you understand that from Senator Vest's letters when they were shown to you?

Mr. CLEVELAND. I did not know it at the time, that he had gone there, until I saw those letters.

Senator BLACKBURN. That is what I am talking about; when you did see them.

Mr. CLEVELAND. I did not know that he had gone there with a view to making a partnership. I knew that there had been a proposition made to him for a partnership conjunction between us.

Senator BLACKBURN. Made to whom?

Mr. CLEVELAND. Senator Vest.

Senator BLACKBURN. Who made it?

Mr. CLEVELAND. Commissioner Atkins, according to Senator Vest's letters.

Senator BLACKBURN. You knew when you read Senator Vest's letters that he had been there to try to arrange for a partnership between you and Jackson?

Mr. CLEVELAND. I did not understand his letters to mean that he had gone there for that purpose.

Senator BLACKBURN. Did you or not understand Senator Vest's letters to mean that that was the proposition that he had under consideration with the Commissioner?

Mr. CLEVELAND. That was the proposition the Commissioner made.

Senator BLACKBURN. You may put it either way you please. Did you understand that that was the basis of agreement that was pending between the Commissioner and Senator Vest?

Mr. CLEVELAND. I suppose you might consider it that way.

Senator BLACKBURN. I might do most anything; did you?

Mr. CLEVELAND. I do not know that I did.

Senator BLACKBURN. Do you know that you did not?

Mr. CLEVELAND. No, sir; I do not.

Senator BLACKBURN. If you did consider it that way, did you make any objection to it?

Mr. CLEVELAND. I would not have made any objection to it if it had been a fair proposition.

Senator BLACKBURN. But did you make any objection to it?

Mr. CLEVELAND. I do not recollect that I did or that I did not.

Senator BLACKBURN. Is there anything that you do remember about from the day you commenced trading at Anadarko until now?

Mr. CLEVELAND. Yes; there are a good many things I remember.

Senator BLACKBURN. You did the day before yesterday, but you do not this morning. Now, is it or not a fact that your friends were at work looking to an arrangement for a partnership in business between you

and Jackson long after you considered him guilty of making you a dishonorable proposition, and prosecuting that effort without any objection from you, but with your consent?

Mr. CLEVELAND. No, sir; I do not consider it that way at all.

Senator BLACKBURN. I do not think I want to ask this witness anything more.

The CHAIRMAN. Taking up this last question, Mr. Cleveland, what did you understand that Senator Vest was asking the Commissioner for in your behalf; for what purpose?

Mr. CLEVELAND. It was to have my license renewed.

The CHAIRMAN. He was not authorized by you to propose a partnership?

Mr. CLEVELAND. No, sir; I never authorized it that I recollect.

The CHAIRMAN. Is this letter in your handwriting [exhibiting a letter]. I show it to you for the purpose of refreshing your recollection.

Mr. CLEVELAND. No, sir; that is my brother's writing.

The CHAIRMAN. Is that your signature?

Mr. CLEVELAND. No, sir.

The CHAIRMAN. Just take time enough to run that letter over and see what is in it.

Mr. CLEVELAND (after reading the letter referred to). This is a copy, and should have been so marked, I suppose.

The CHAIRMAN. I call your attention to page 6 of this letter.

Senator BLACKBURN. What letter is that?

The CHAIRMAN. It is a letter which purports to have been written (I suppose it is a copy; I do not know whether it is or not) and signed by C. A. Cleveland, addressed to Hon. Hiram Price, Commissioner of Indian Affairs.

Senator BLACKBURN. Is this gentleman named C. A. Cleveland?

The CHAIRMAN. Yes; he says he thinks it is his brother's handwriting.

Senator BLACKBURN. If his name is attached to it, and he did not sign it, it would be a forgery until it is explained.

The CHAIRMAN. Not necessarily. It might have been signed by his brother with his consent. [To Mr. Cleveland.] Did you know of this letter?

Mr. CLEVELAND. Yes; I knew of it.

The CHAIRMAN. On the last page—without referring to the whole of the letter—I see this clause: "I trust you will carefully review the case in question, feeling assured that you will find nothing to controvert the statements herein made, but on the contrary, uncontradicted evidence. (See the affidavits of W. H. Cleveland and myself on file in your office to verify my present representations.)" I show you that for the purpose of refreshing your recollection, and to ask you whether, on reflection, you think you did or not file a personal affidavit at the time your brother did?

Mr. CLEVELAND. If I did I had forgotten it. It is possible I may have done so. It was some time ago.

The CHAIRMAN. I suppose, of course, the papers in the office will show.

Mr. CLEVELAND. I do not recollect making the affidavit, but I would know if I saw the affidavit. It has slipped my memory. It was several years ago.

The CHAIRMAN. How much have you had at your store in goods at any one time—I mean your store in the Indian Territory?

Mr. CLEVELAND. I have had probably from $15,000 to $18,000 worth of merchandise at times.

The CHAIRMAN. What is the trade there, cash or credit?

Mr. CLEVELAND. There is cash and credit too.

The CHAIRMAN. When you were finally obliged to cease trading there on the 1st of June, were there accounts due you?

Mr. CLEVELAND. Yes, sir.

The CHAIRMAN. Have you been able to collect those accounts?

Mr. CLEVELAND. There have been a few of them collected.

The CHAIRMAN. Do you consider that you will be able to collect them all?

Mr. CLEVELAND. There are a good many of them that I shall never receive anything on at all, probably.

The CHAIRMAN. In these interviews which you speak of having had with Commissioner Atkins the last of December, 1885 and the early part of January, 1886, or at the times when you say you were in his office, was your counsel, Mr. Hunter, with you?

Mr. CLEVELAND. Yes, sir.

The CHAIRMAN. Who carried on the conversation principally that was carried on?

Mr. CLEVELAND. Mr. Hunter.

The CHAIRMAN. I believe that is all. Mr. Hunter, I think we will examine you.

TESTIMONY OF ROBERT F. HUNTER.

ROBERT F. HUNTER was then duly sworn by the chairman, and was interrogated as follows:

By the CHAIRMAN:

Question. What is your business?—Answer. I am a lawyer.

Q. How long have you resided in Washington?—A. I may say my last residence in Washington has been virtually from about 1871.

Q. Have you been pursuing your profession during all that time?—A. Yes, sir; with intermissions attending to other business. There have been intermissions in which I have been taking evidence for the Government, &c.

Q. What was your first employment under Cleveland & Co., and about when?—A. It was about the summer or fall of 1883. Mr. Cleveland came to Washington and informed me that he was desirous of securing my services to——

Q. I do not care to go into the particulars about it. Have you been continually acting for him as occasion demanded since that time?—A. Directly and indirectly; yes, sir.

Q. Have you been counsel for other Indian traders here?—A. Not recently; I was in 1876 and 1877.

Q. But since 1883 you have not been counsel for any other Indian traders except Cleveland & Co.?—A. No, sir.

Q. What was the immediate occasion of your being employed, or what was your first service for Cleveland & Co.? Answer the questions just as concisely as you can.—A. It is necessary to enter into a little explanation so that you can understand the case. My services were first employed by Mr. Cleveland in order to have his license renewed or in case there was a failure in that to have his brother permitted to act as clerk at the Indian agency.

Q. Who was Commissioner of Indian Affairs in 1883?—A. Hiram Price.

Q. That was at the time of your employment?—A. Yes, sir.

Q. Had his license been revoked at that time?—A. It had been revoked preceding that time.

Q. On account of an alleged agreement between him and Mr. Reynolds?—A. Yes, sir.

Q. And your employment was to represent him, to have it renewed, or to have his brother licensed?—A. No; to have his brother permitted to act as a clerk at the agency.

Q. Now I will skip your negotiations with regard to that matter and come up to the time that the resolution speaks of, which was in 1885, since April, 1885. You were then acting as his counsel, were you?—A. Yes, sir.

Q. Will you state what interviews you have had with Commissioner Atkins in reference to the affairs of Cleveland & Co. since April, 1885?

Mr. HUNTER. Do you desire me to confine myself to the interviews with Commissioner Atkins, or to interviews with the Commissioner of Indian Affairs?

The CHAIRMAN. I mean interviews with the office.

A. My first interview was brought about, I think, some time in the month of June, caused by rumors that came to my ears of changes possibly being made in the Indian traders. I called upon Commissioner Atkins——

Q. When did you call, as near as you can fix it?

Senator BLACKBURN. He says in June—in June, 1885, he means.

Mr. HUNTER. Yes, in June, 1885, and represented the fact to him that Cleveland & Co. were—I was satisfied—honest and upright men, and that I hoped no action would be taken looking to a revocation of their license, and further I stated that whilst I was not aware of their political views, yet I believed that they were in harmony with the administration, and that I arrived at that conclusion from the fact that they had been indorsed by Senator Vest for the position, and as the Senator was absent from the city, I was exceedingly solicitous that he should take no action upon their case until the Senator returned in the fall or winter, to advocate their right and interests in the matter.

Q. Is that all there was of that interview?—A. No, sir. Upon that Commissioner Atkins very courteously requested me to place the substance of my interview in a letter, and said that my request should be complied with. On the following day I filed a letter to that effect, referring to the preceding day's conversation, or the preceding day's request to the Commissioner, I would rather put it.

Q. Was that all at that time?—A. That was all at that time. That letter should be on file among the records of the office.

Q. What happened next, and when?—A. The next thing that arose was the receipt by me of letters, one of which you have in your possession.

Q. Do you remember the date of it?—A. I do not; it was in a blue envelope; that is the letter [indicating]. On or about the 1st of August I received the following letter from Cleveland & Co.:

ANADARKO, *Ind. T.*, *July* 25, 1885.

DEAR SIR: We have done as you directed, and ere this the Commissioner has received a letter from Senator Vest asking that we be allowed to remain here unmolested. Please keep me posted as to the action of the Commissioner concerning traders at this agency. The traders at Cheyenne Agency have until October 21 to settle their business and get out. D. P. Brown returned this week from your city and stated that he was to remain here as a trader. How is this?

There is a move on foot to organize a union of traders and see what can be done in the way of damages. My opinion is that the Commissioner has got his foot in it. His

rulings in this matter are unprecedented and a great injustice, and it can be proven that he is putting out present traders to favor his friends and relatives. There can be another Belknap fiasco stirred up over this matter. Traders at the present understand their rights too well to put up with any such piracy and official robbery. We have not joined the union, but may be compelled to for self-protection.

We got on to Jacobs & Jackson's racket, and hold letters that will be damaging proof when the time comes. Jacobs & Jackson underrated their Western friends and they will suffer accordingly. We were willing to operate with them on fair terms, but when a man demands that you give up half your profits for nothing but wind I object, and shall kick like hell and then kick again.

If you have any suggestions to make we will be glad to hear them. Write soon.

Very truly,

C. A. CLEVELAND & CO.

R. F. HUNTER, Esq.,
Washington, D. C.

By Senator BLACKBURN:

Q. Whose chirography is that in?—A. I am unable to distinguish the handwriting of the two brothers.

By Senator COKE:

Q. Is it in the handwriting of one of them?—A. Yes, sir; it is in the handwriting of one of them.

The CHAIRMAN. I confess that they are something alike.

Mr. HUNTER. I am unable to distinguish the handwriting of the two brothers.

Senator BLACKBURN. Mr. Cleveland can tell us.

The CHAIRMAN. I will see what he says.

Mr. CLEVELAND. It is evidently my brother's writing.

The CHAIRMAN. I thought so.

Senator CULLOM. It is 11 o'clock, and I have to be in the Senate this morning on time.

Senator BLACKBURN. Mr. Chairman, I want to say a word; in this resolution referred to us is mentioned the case of Little. Does not the resolution recite that case?

The CHAIRMAN. No; it does not recite any case.

Senator BLACKBURN. I want to call the attention of the committee to the fact that Mr. Shaw is here and wants to get off so as to return to his agency, and I was going to suggest to the committee that if they think they shall want his statement, we might take it now, so that he may be able to leave.

The CHAIRMAN. I will talk with Mr. Shaw and find out what he knows about it.

Senator BLACKBURN. I simply wanted to call the attention of the committee to the fact.

The select committee then adjourned until Friday morning, July 16, 1886, at 9.30 o'clock.

WASHINGTON, D. C., *Friday, July* 16, 1886.

The select committee met, pursuant to adjournment, at 9.40 a. m.

TESTIMONY OF ROBERT F. HUNTER—Continued.

Mr. ROBERT F. HUNTER was recalled, and his examination resumed as follows:

The CHAIRMAN. You read yesterday, in the course of your examination, one of Mr. Cleveland's letters, and you have another one which is

a sort of complement to or follows that one, which you may read. But do not read any more of Mr. Cleveland's letters until we see them, and determine whether they are to go into the record or not. You may read the other letter from Mr. Cleveland, which I understand has to be read in connection with the first one.

Mr. HUNTER. I think it is necessary for me to state the action I took upon that letter.

The CHAIRMAN. Very well.

Mr. HUNTER. Upon the receipt of this letter, which I read yesterday, I called at the Indian Office to place the substance of this letter before the Commissioner of Indian Affairs, but found that he was absent, and by reason of what I took to be the assurance that had been given to me previously, and which called forth the letter which I am now seeking from the Bureau, I preferred to communicate the contents of this letter to Commissioner Atkins in person, and for that reason I did not convey it to the Acting Commissioner. That was in the early part of August.

The CHAIRMAN. Who was the Acting Commissioner?

Mr. HUNTER. Mr. Upshaw. Subsequent to that I received the following letter, dated Anadarko, Ind. T., August 8, 1885, which I will read:

ANADARKO, IND. T., *August* 8, 1885.

DEAR SIR: Yours of the 30th and 31st ultimo to hand, and would say that Jackson informed us that he had friends that would give him half interest and furnish all the capital. This was what I had reference to in my former letter; and Jackson asked us if we wanted to "go in with him," just as though he was master of the situation, and that he intended to make us turn over half our business to him or get out. If Mr. J. can reduce this agency to two traders we would go in with him on fair business terms; but as the matter stands now we can do nothing. The cattle men have lost their leases, and we would rather sell than stay here. Should the leases hold your estimation of the business at this agency would be about correct. We have written Jackson what we will do, or rather what we will not do.

Very truly,

C. A. CLEVELAND & CO.

R. F. HUNTER, Esq.,
Washington, D. C.

Mr. HUNTER. On the back of this letter is the following:

I have written the cattle men your views on matters.

W. H. C.

Senator BLACKBURN. What is the date of that?

Mr. HUNTER. It is dated August 8, 1885.

By the CHAIRMAN:

Q. As he said he had written the cattle men your views, will you state what you understand he meant in that by saying that the cattlemen had lost their leases?—A. The cattlemen had been leasing large areas of land from the Indians——

Q. Wait a moment. You go over too much ground, and if there is no objection, I will ask a leading question. Did he have a trade from cattlemen located in that neighborhood?—A. I assume that he did.

Q. That was your understanding?—A. Yes, sir.

Q. And by reason of the fact that cattlemen had lost their leases it was supposed that the trade would diminish?—A. Yes, sir.

Q. State what you did when you got that letter of August 8.—A. After the receipt of this letter, I went to the Indian Bureau and finding Commissioner Atkins absent, I again hesitated about bringing it to the attention of the Bureau, but on reflection I concluded that the importance of the matter was such that the Bureau should have cognizance of it, and returned to the Bureau and imparted the information

contained in these two letters to Mr. Upshaw, who was then Acting Commissioner.

Q. Did you show him the letters?—A. No, sir; I did not, for the simple reason that there was a subject-matter in one letter that might be regarded as offensive to the Bureau, and I did not, for that reason, show it. But I conveyed to him the contents of the letter, and that such information had been conveyed by them. Mr. Upshaw replied that this subject of Indian tradership was in the hands of the Commissioner of Indian Affairs himself, and that he had nothing to do with it, but that he would impart the information to the Commissioner on his return; that he was then absent and he supposed he would be absent during most of the month of August. Now, about the same time——

Q. Wait a moment. Is that all the reply that he made?—A. That is about all. It was all the reply that he could well have made. No; it was not all the reply that he made. He went further, and said that he did not place any credence in these statements of my clients, for the reason that Mr. Jackson's brother, Senator Jackson, was a man of great wealth, and I believe estimated his wealth at $1,000,000, and said that there would be no necessity for him to engage in any such practices in order to establish himself in business. That is about the substance of it. Now, I was aware of the fact that at this time I had also communicated the contents of either one or both of these letters, about that time, to some other person connected with the Bureau. Yesterday, after the session of the committee had adjourned, as I was passing out, Mr. Andrews, who, at the time of the receipt of one or both of these letters, was acting as license clerk in the Indian Bureau, informed Mr. Cleveland and myself casually that "the letter that you read to-day, that you have just read to the committee, is the same letter that you showed me at the time of its receipt."

Q. What next happened after you communicated these facts to Mr. Upshaw?—A. There was no further action to be taken in the matter. Commissioner Atkins being absent, and assuming that Mr. Upshaw, upon his return, conveyed the information to him, I deferred any further action until the receipt of this letter [exhibiting a letter].

The CHAIRMAN. Let me look at that letter. [After examining the letter.] This is signed W. H. Cleveland. That is his brother.

Mr. HUNTER. Yes, sir.

The CHAIRMAN. Just read that.

Mr. HUNTER read the letter referred to as follows:

ANADARKO, IND. T., *September* 5, 1885.

DEAR SIR: Our new agent is here in charge. He informs me that Jackson and Jacobs' license have been revoked, of course by their consent. If you have occasion to write me for two weeks my address will be John W. Farwell & Co., Chicago; after that, up to the 25th instant, Meyer, Bannerman & Co., Saint Louis. I will remit you $100 on my return.

Very respectfully,

W. H. CLEVELAND.

P. S.—Write me any news.

W. H. C.

R. F. HUNTER, Esq.,
Washington, D. C.

By the CHAIRMAN:

Q. What is the date of that?—A. September 5, 1885.

Q. You may state what you did.—A. This letter, indicating on its face——

Q. No matter what it indicates; state what you did.—A. I will have to state what it indicates to me.

Q. Not at all; the letter shows for itself what it indicates on its face; state what you did when you got the letter—we want what you did.—A. Believing, upon the information furnished Mr. Upshaw, that the license of Mr. Jackson had been revoked, I then went to the Indian Bureau with the view of again advocating the interests of Cleveland & Co. for a renewal of their license, considering Jackson's license revoked, and to find out whether it were true. I am confident in my own mind, and strongly impressed with the belief, that at that time my interview was with Commissioner Atkins, and that the subject of this Jackson blackmailing, as I characterized it, came up; but I am not so positive of it that I am willing to swear to that fact.

Q. What do I understand you to mean by that; that it was either Commissioner Atkins or Mr. Upshaw that you had the conversation with?—A. No, sir; I meant it was Commissioner Atkins I had the conversation with.

By Senator CULLOM:

Q. But you are not positively certain it was about that matter?—A. Yes, sir; it was about this subject, but I mean I am not positive as to the blackmailing portion of it; as to the demands and exactions of Jackson being referred to.

By the CHAIRMAN:

Q. But you say it was your decided impression, and you feel confident that you did communicate that fact to him at that time?—A. I feel quite confident that I did, but I am not so sure of it that I would be willing to swear to it.

Q. Did you find that Jacobs's and Jackson's license had been revoked?—A. It had not been revoked, so I was informed, at the time. I might say further in this connection that another thing which induced me to act upon this was that about that time, about the middle of September, 1885, there were rumors again rife of changes being made in the Indian traderships. That I suppose was the principal incentive that caused me to take this action.

Q. Did you ever file a written application for the renewal of Mr. Cleveland's license, or for the extension or continuance of it? It had not been revoked at this time, but did you file any written application for its continuance, or that it should not be revoked?—A. That is the letter that I have requested to be offered in evidence now.

Q. That was in June?—A. Yes, sir; I think it was in June.

Q. Did you have any other interview with the office on this subject of continuing the license of Cleveland & Co. before October 5?—A. No, sir.

Q. What was your first knowledge that a notice had been sent (if you ever acquired that knowledge) to Cleveland & Co. that their license would not be renewed?—A. It was within a day or two of the issuance of the instruction of October 5, I believe, is the date that I was advised of the fact in the Indian Office.

Q. By whom?—A. My impression is it was by the license clerk; it may have been by Mr. Upshaw.

Q. The license clerk was Mr. Andrews?—A. No, sir; it was Mr. Osborne at that time, and I think that I read the letter.

Q. Before it was sent?—A. Oh, no, sir; after it was sent.

Senator BLACKBURN. What letter is he speaking of?

Q. What letter do you speak of?—A. The letter of instructions of October 5—I think that was the date—that at the expiration of their license it would not be renewed.

Q. You read it how, as having received it from Cleveland & Co., or did you read it at the office?—A. No, sir; I read it at the office proper.

Q. How long after it had been issued?—A. It was within a very few days.

Q. What did you do after that?—A. I could take no action then, because about that time the Commissioner of Indian Affairs had, I was informed, gone on a tour of investigation with the Holman committee, and by reason of what Mr. Upshaw had stated to me in the August interview that this matter of Indian traderships was in the sole charge of the Commissioner himself, I could not take any action. So that during the month of October, and, possibly, the month of November, the only action that I took was to advise my clients to file their application for a renewal of the license formally, accompanying it with their bond. The next action that was taken by me was on the 16th of December, 1885. That action was caused by this letter [exhibiting a letter].

Q. Do you or not understand that the letter filed here the other day and put in evidence, of Cleveland & Co. to the Commissioner, had been filed before you received this other letter?

Mr. HUNTER. Which other letter?

The CHAIRMAN. The one in which they made application for the renewal of their license.

Mr. HUNTER. Do you mean the formal statement that Mr. Cleveland set forth?

The CHAIRMAN. Yes, in writing.

Mr. HUNTER. No, sir; it had not been filed.

The CHAIRMAN. I do not care whether this letter goes in the record or not.

Mr. HUNTER. It has considerable relevancy to my next interview.

The CHAIRMAN. No matter about that. You received a letter of December 8, and did certain things. I do not think there is any occasion to put that letter in the record.

Senator BLACKBURN. I think not.

Mr. HUNTER. Then, if the committee desires it——

The CHAIRMAN. We cannot put in everything that Mr. Cleveland wrote you; his ideas and talk about Commissioner Atkins and Senator Vest, and everybody else. It is not evidence any way.

Mr. HUNTER. The only thing that I desired, Mr. Chairman, was to show the incentive that caused me to take the different steps I did.

The CHAIRMAN. No matter. You got a letter of December 8?

Mr. HUNTER. Yes, sir; one of December 8.

Q. That was from Cleveland & Co. You can state what you did after that.—A. Upon the receipt of that letter on December 16, I went to see Commissioner Atkins with reference to the contents of the letter, or with reference to the renewal of their license. The interview was a very brief and unsatisfactory one to me.

Q. You say that interview was on the 16th of December?—A. Yes, sir; on the 16th of December, 1885. After leaving the Commissioner, as Senator Vest was interested in protecting the rights of my clients——

Q. As you supposed?—A. Yes, sir; as I supposed, and as I had been advised——

Senator BLACKBURN. Advised by whom?

Mr. HUNTER. By the letters of Cleveland & Co.

Senator BLACKBURN. You had been advised by Cleveland & Co. that Senator Vest was their friend?

Mr. HUNTER. Yes, sir; Cleveland & Co. advised me he was their friend, and I called upon Senator Vest in the Senate on the 16th and had an interview with him relative to the action of the Commissioner of Indian Affairs, and the Senator and myself went over this line of action of Jackson's as against Cleveland & Co. and we each reached about the same conclusion as to the character of the transaction, and also as to the responsibility which rested upon the shoulders of the Commissioner of Indian Affairs for supporting Jackson by acquiescence in these demands; and at that date I made on the back of this letter a memorandum of the interview that was had that day.

By Senator BLACKBURN:

Q. You mean of the interview you had with Senator Vest?—A. Yes, sir; of the interview I had with him.

The CHAIRMAN. Well, Senator Vest can tell his own story.

Senator CULLLOM. That is what I think.

By the CHAIRMAN:

Q. We want to get what you did with the office.—A. The next day, the 17th of December—well, gentlemen, I will state that I cannot continue my evidence without bringing in the name of Senator Vest; it is utterly impossible for me to do so.

Senator BLACKBURN. I do not see any objection to that.

Senator CULLOM. But you have no right to state what Senator Vest said to you.

Mr. HUNTER. But I, of necessity, must do so, Senator. My interview with the Commissioner calls up the interview with Senator Vest.

The CHAIRMAN: Let me suggest, Mr. Hunter, this: Senator Vest has requested of the committee that he should be called here to make his own statement of the matter. Now, it is perfectly easy for you to say that you had interviews with Senator Vest in relation to the matter, and that in consequence of those interviews you went, if you did go, to the Commissioner, and then you can state what occurred with the Commissioner and leave it there. That is the better way to do.

Mr. HUNTER. Well, on the 17th of December, the day after my interview with Senator Vest, I called upon Commissioner Atkins again and asked him what action would be taken looking to the renewal of Mr. Cleveland's license. He said he did not intend to renew it. I then stated that I had had an interview with Senator Vest the day before, and that the Senator had informed me that the charge against Cleveland & Co. was for keeping and herding cattle upon the reservation. That from my intimate acquaintance with the business of the company in that respect I was positive that such a charge was without foundation. Commissioner Atkins then said that such a charge had been made. I asked him upon what authority. He said, after some hesitation, that it was upon the authority of an officer of his Bureau who had heard it as a rumor in the Indian Territory. He then abandoned the herding of cattle as the charge against Cleveland & Co. and as the basis of his refusal to renew the license, and brought up the matter of the Reynolds contract.

By the CHAIRMAN:

Q. You mean the Fisher & Co. contract with Reynolds?—A. Yes, sir; the Fisher & Co. contract with Reynolds. I stated to him that that matter was not a question for his investigation; that it had been previously examined and thoroughly gone into by his predecessor, who, upon the evidence submitted to him, and the argument

presented by myself, had closed the case in favor of Cleveland & Co., and as far as he, Commissioner Atkins, was concerned, that the case was *res judicata* and could not be reopened. I further said that assuming that it was not *res judicata*, and that Cleveland & Co. had committed the act which was alleged by Reynolds and the others to have been committed, that the action of Commissioner Price upon that case worked as a pardon for any offense that had been committed by Cleveland & Co. as fully as did the pardon of President Johnson. Upon that view of the case, which appeared to have impressed the Commissioner pretty strongly, instead of the stormy scene that we had before had upon the matter, the Commissioner became quite affable. But in the same interview I recited to him that Senator Vest had also told me that the Commissioner of Indian Affairs had some time previous, during the month, tendered to him, Senator Vest, a partnership interest with S. M. Jackson, for either Cleveland or Reynolds, as the Senator might elect; that subsequent to such tender by the Commissioner, he had written him, Senator Vest, a letter requesting him to call at the Indian Bureau, and that he did so; that the Commissioner had then informed him that the permission for partnership that had been granted by his previous promise, had to be recalled. The committee understand that this is what I told Commissioner Atkins. The Commissioner acquiesced in that and stated that his recall of the permission granted to Senator Vest was upon (as I understood it at the time) the request of Senator Jackson. That left the impression on my mind that S. M. Jackson had secured capital elsewhere to start in the enterprise. That was about the sum and substance of that interview.

Subsequent to that, on the arrival of Mr. Cleveland in Washington, some two days afterwards, about the 19th or 20th of December, he placed in my hands two letters which had been written by Senator Vest to a friend of his in Saint Louis, in which he went over nearly the same ground that I had stated to the Commissioner of Indian Affairs in my interview of the 17th of December.

Q. Did you go to the office in company with Mr. Cleveland after he came on here?—A. I did.

Q. State anything that occurred there at such interview or interviews.—A. At my suggestion Mr. Cleveland, about the 27th or 28th of December, prepared, without my aid or assistance, a written statement of his case, and on the 30th of December I had another interview with Commissioner Atkins.

Q. In the presence of Mr. Cleveland or were you alone?—A. In that interview I believe I was alone; that is my impression.

Q. State what that interview was and when it was.—A. It was on the 30th of December. In that interview the Commissioner stated to me that he would have no objection to Cleveland & Co. continuing to trade until such time as Jackson got his stock of goods on the reservation and opened trade. That was, I held, somewhat of a concession from the Commissioner, and I looked upon it as favorable from my point of view. But that same evening Mr. Cleveland and myself called upon Senator Vest——

Q. Leave the Vest interviews, except so far as the consequences of them may have taken you to the Commissioner; leave them for Senator Vest to detail himself.—A. I will not go into details, but simply make a remark. Owing to what was said in that interview with Senator Vest, the next day——

Q. Which was the 31st of December?—A. Yes, sir; the 31st of De-

cember—I carried with me the statement of the case as prepared by Mr. Cleveland——

Q. Was that sworn to; was it an affidavit?—A. No, sir—together with his bond in the sum of $10,000, and presented it to Commissioner Atkins with this letter [producing a letter].

The CHAIRMAN. Let me look at that letter a moment. [After examining the letter.] You may put that letter in.

Mr. Cleveland read the letter referred to, as follows:

NO. 225 EAST CAPITOL STREET,
Washington, D. C., December 30, 1885.

SIR: Referring to the application of C. A. Cleveland & Co. for renewal of license as Indian traders at Anadarko, Ind. T., I have the honor herewith to submit a statement of facts prepared by Mr. Cleveland, which he hopes will more fully inform you as to the true nature of the influences he believes are operating to prevent a renewal of their license.

Trusting this statement will receive at your hands the consideration its gravity merits.

I am, very respectfully,

R. F. HUNTER,
Counsel.

Hon. J. D. C. ATKINS,
Commissioner of Indian Affairs.

The CHAIRMAN. Has that statement been put in evidence?

Mr. HUNTER. Yes, sir; that was put in evidence in Mr. Cleveland's testimony.

The CHAIRMAN. It was the one that was put in the other day?

Mr. HUNTER. Yes, sir.

The CHAIRMAN. It is the same document which was introduced in the testimony of Mr. Cleveland, dated Washington, D. C., December 28, 1885.

Mr. HUNTER. Yes, sir. With this statement was filed the penal bond required by the law in the sum of $10,000.

By Senator JONES:

Q. What was the nature of that bond?—A. It was a penal bond, given by Mr. Cleveland in the sum of $10,000.

By Senator CULLOM:

Q. For what purpose?—A. For a renewal of his license. I handed this letter with its contents to Commissioner Atkins.

By the CHAIRMAN:

Q. When you say "this letter," you mean the letter which inclosed it, the one which you read?—A. Yes, sir.

By Senator CULLOM:

Q. Do you mean that identical letter?—A. No, sir; a copy of this letter, with Mr. Cleveland's statement and his bond to Commissioner Atkins. The Commissioner read this letter——

By the CHAIRMAN:

Q. When you say "this letter," you mean your letter?—A. Yes—he read my letter. After he had read it, I said to him "If you desire any corroboration of the facts recited in Mr. Cleveland's statement, I will be prepared to furnish it to you." He picked up the statement itself and glanced at it casually. He did not read it through. He may have read some slight portion of it; then he handed back the bond to me. I declined to receive it, telling him that I was anxious that the bond should remain on file with the papers. That terminated the interview. I left the bond and the statement with him.

Q. That was on the 31st of December?—A. Yes, sir.

Q. What next occurred?—A. There was no further action taken in the matter until along in March. The Commissioner had in the mean time granted authority for Cleveland & Co. to continue to trade subject to his order.

Q. Was that in writing?—A. It was his instructions to the Indian agent. I am talking of the Commissioner of Indian Affairs' order to the Indian agent.

Q. Did you see the order?—A. I believe I did, because it was sent at my suggestion. My impression is that that order was sent in January just preceding the date at which their license would expire.

Q. You might as well put right in here—because I have not kept these dates in mind—when their license would expire?—A. On the 31st of January, 1886. This order of the Commissioner to the agent was issued a short time preceding that date, I do not recollect how long.

Senator BLACKBURN. I do not want to interrupt, Mr. Chairman, but just there, as he is detailing the interview, I would like to know whether he stated to the Commissioner at that time that the order was entirely satisfactory to him.

The CHAIRMAN (to Mr. Hunter). You may answer that question.

Mr. HUNTER. As I say, that order was obtained at my solicitation.

Senator BLACKBURN. But that is not an answer to my question quite. Did you or not say to the Commissioner that that was entirely satisfactory to you—the order granting Mr. Cleveland the privilege to trade until this new trader should open?

Mr. HUNTER. I think you are a little ahead; there was a time when I made an expression of that kind, but I do not think it was at that time.

Senator BLACKBURN. Will you answer; did you or not say it then?

Mr. HUNTER. I do not think I said it at that time; I am aware of having said it at some time.

The CHAIRMAN. You may proceed; you have got now up to what date?

Mr. HUNTER. Up to January 31.

Q. Now go on from that date.—A. The next action that was taken by me was about the 1st of March. Cleveland & Co. had written me exacting that I have a definite determination of their case, as the uncertainty in which the Commissioner's order to the agent permitting them to trade at his sufferance was prejudicial to their interests; that line of action I was bitterly opposed to.

Q. What do you mean by "bitterly opposed to"; do you mean that you were bitterly opposed to the position taken by your clients?—A. I did not agree with my clients; I was bitterly opposed to taking an appeal upon their case at that time, for the reason that I held that an appeal would not lie to the President until an overt act had been committed by the Commissioner, and as yet no such overt act had been done by him; but about the 1st of March I received peremptory instructions from my clients to take an appeal.

Q. An appeal to the President?—A. Yes, sir; to the President first.

Q. Now wait a moment. We had some testimony here the other day about an affidavit having been filed. Was that previous to this?—A. No, sir; there was no affidavit filed with the Commissioner. About March 1st I received positive instructions from my clients to take an appeal to the President, knowing that the only way in which I could do so would be by getting the Commissioner to designate a time when their right to trade should cease. I went to the office and first consulted with Mr.

Upshaw, who was then chief clerk and stated to him that I had received these imperative instructions from my clients, and that I did not feel like complying with them. He advised against my presenting it to the Commissioner. He said that the condition of your client's case or of Cleveland & Co. is good now, and if you take that line of action you will antagonize and anger the Commissioner and it may prejudice them. While I agreed with Mr. Upshaw, I said that my instructions were of such an imperative character that it was my absolute duty to do so. I went over and saw the Commissioner and requested him to renew the license of Cleveland & Co., and he refused to renew it, but went no further. It continued on then without any further action during the month of March and a part of April, and the appeals continued coming from my clients, scoring me, accusing me of being in complicity, in fact, with the Commissioner of Indian Affairs—that in my line of action I was seeking to apologize for and defend him instead of sustaining their rights. On the 14th of April I went to the Commissioner and stated that I had been instructed to get a determination of the case of my clients to know what his action was going to be. He stated that he would close them out, and asked me what day it was. I told him it was the 14th of April, and he said, "I will give them fifteen days in which to close; is that sufficient time?" I smilingly said to him, "Mr. Commissioner, I think that would be rather rough upon them; I think you had better allow them a longer time." "Well," he said, "Will thirty days do?" No, I am a little ahead, if the committee will pardon me. I had previously said that I had been instructed to take an appeal in the case to the President. He said, "Will thirty days do?" I replied that that was entirely satisfactory, as that would enable me to get up my appeal, and get information from the agency if I desired it. He then said, "I will issue an order closing them on the 15th of May." I returned to the Bureau on several occasions, each day to see if the order had been issued, as that was the overt act that I was seeking. After the expiration of some four or five days, I found that there had been no such order issued, and knowing the period of time that would of necessity elapse in my writing to the agency and getting a reply, I assumed that the statement of the Commissioner to me as to closing them on the 15th of May was in itself an overt act, and thereupon took an appeal to the President, which is the first paper that you have there; it is my first letter to the President.

The CHAIRMAN. I have not got it.

Mr. HUNTER. Oh, I have it here. I will state to the committee that this letter, as well as the one that was sent to the President, are both copies of the same original draft.

Q. Is that the one filed with the Commissioner?—A. Filed with the President, and referred by the President to the Interior Department.

By Senator CULLOM:

Q. That is a copy of what was sent to the President and referred by him to the Commissioner?—A. Referred by him to the Interior Department.

Q. And finally to the office of the Commissioner of Indian Affairs?—A. Yes, sir. I will read this letter.

Mr. Hunter then read the letter referred to as follows:

WASHINGTON, D. C., *April* 22, 1886.

SIR: Under instructions from the firm of C. A. Cleveland & Co., trading at Anadarko, Ind. T., as Indian traders with the Kiowa, Comanche, and Wichita tribes of Indians, I have the honor herewith to appeal from a decision of the honorable Commis-

sioner of Indian Affairs, that revokes their authorization to so trade and carry on their business. Said firm for two or more years prior to the accession of Commissioner Atkins to office were duly licensed and authorized traders. During the period of such tradership said firm in no wise infracted any of the rules and regulations prescribed for their guidance, or any law enacted to regulate intercourse with Indians. They have uniformly endeavored to conduct and carry on an honest, upright business and to comply with all requirements of the Office of Indian Affairs.

On October 5, 1885, while in the prosecution of their said business, an order was issued by the Commissioner of Indian Affairs, directed to the Indian agent of said agency, requiring said officer to notify Cleveland & Co., that on the expiration of their license, February 1, 1886, said license to trade would not be renewed. That subsequent thereto, in the month of January, 1886, the honorable Commissioner directed the agent to permit said firm to continue to trade until further orders, and that said firm are now advised, under statements made by the Commissioner of Indian Affairs, it is contemplated to close the trading establishment of said firm, on and from May 15, 1886.

In view of the information thus received, protest and appeal is made against and from such action of the Commissioner.

Your appellants are aware of the sole power and authority vested in the Commissioner of Indian Affairs to determine as to the parties to be authorized to trade with Indians. But, it is submitted, the operation of said law has in contemplation the original designation and appointment to trade, and does not, in its application, refer in the same restrictory sense to persons already authorized to trade and making application for renewal of license.

In the latter case an implied agreement has been entered upon between the United States and the traders that, so long as the latter shall comply with the rules and regulations governing trade and intercourse with Indian tribes, the venture made by him, in the investment of his capital, shall receive protection at the hands of the Government. Were it otherwise, the intent of the law would be to work hardships, which is not admissible, and the tenure of appointment would be so uncertain and so subject to the action of officials in our ever-changing political affairs that no person could feel any security of property or justification to undertake such hazardous business relations.

With all due respect for the honorable Commissioner of Indian Affairs, it is submitted that in his treatment of this subject of Indian traderships he errs in regarding them in a political sense. While such appointments are the prerogatives of the administration in power at the time, the office itself is one that partakes of a commercial and not political character, and therefore should not be brought under the influences governing purely political appointments, and more particularly should such rule apply in the matter of reappointments.

While it is not claimed for Cleveland & Co. that they have an absolute vested legal right in and to said office, they do claim they have an equitable right to a continuance therein until by some overt act of their own they forfeit it.

It was under the assumption of being protected in such equitable right they were induced to invest their capital and secure facilities for conducting their trade. Such action, of necessity, involved heavy outlay, nearly all of which would have to be sacrificed under the summary ruling of the Commissioner.

At an expense of some $4,000 your appellants erected a storehouse and other necessary buildings in which to carry on their trade. Under the operation of the Commissioner's conclusion this will of necessity become a total loss. Further, their stock in trade has involved an investment of some $20,000, which, owing to the general character of the goods, is principally unfitted for any other trade, and were it so adapted, after removing said stock from the Indian Territory, such heavy expense would be incurred that it could not be placed in successful competition with other goods on the market, so that heavy loss would be inevitable. It is against the great injury, practically bankruptcy, that would thus result that said firm protests and asks for your official interference.

If in any sense they had given just cause for such summary action they would be inclined to quietly submit to the destruction of their business.

But being conscious of their own rectitude in all their relations with the Government and the Indians they feel an injustice is being worked them that should not find justification at your hands.

Respectfully submitted.

R. F. HUNTER.

To the PRESIDENT.

By the CHAIRMAN:

Q. What did you do with that paper or the paper of which that is a copy?—A. The paper of which this is a copy was mailed to the Pres-

ident on the 22d of April. On the following morning I proceeded to the Executive Mansion and had an interview with Private Secretary Lamont, in which I stated to him the object of my visit, and as the mail had just come in, and was being opened, I picked up my letter and placed it in the secretary's hands and said to him, "My business is in relation to this letter, and before stating it I would prefer that you would read my communication to the President." He did so. I then said that the object of my visit was to have an investigation by the President of this matter—showing him Senator Vest's letters and Mr. Jackson's letters—but that I did not desire that this portion of it should become a matter of public record; that I wanted it divided into two parts, the one for public record, and the other as a confidential communication to the President. He requested me to permit him to take Senator Vest's letters in to the President. I said, "No," that I would prefer sending him the entire correspondence in the case. That appeared to be entirely satisfactory, and I left. That same day, the 23d of April, I sent a letter to Mr. Lamont, of which the following is a copy:

[Confidential.]

225 EAST CAPITOL STREET,
Washington, D. C., April 23, 1886.

DEAR SIR: In accordance with promise made this day, I have the honor herewith to submit for the personal consideration of the President, in his action on the matter of appeal of C. A. Cleveland & Co., Indian traders, as submitted by me in my communication of yesterday—

(1) Affidavits of C. A. Cleveland.
(2) Letters of C. A. Cleveland.
(3) Letters of S. M. Jackson.
(4) Letters of D. W. Caruth.
(5) Letters of Senator Vest.

As stated in my interview of this date, the foregoing will explain the subject-matter as referred to by me.

I would request a careful reading of Mr. Cleveland's affidavit and letters, as they will more clearly show the animus. As I informed you, Jackson surrendered his license some time in February, on the demand of the Commissioner, after it was found he could not induce Cleveland & Co. or others to put their capital against his influence.

It is only necessary for me to further add, this firm never had cattle on the reservation, as Senator Vest, in one of his letters, implies the Commissioner alleged.

Very respectfully,

R. F. HUNTER.

Col. DANIEL S. LAMONT,
Executive Mansion.

By the CHAIRMAN:

Q. Which of those documents are already in evidence? Look at that list and tell me that.—A. They are all in evidence except the affidavit and letter of Mr. Cleveland and Senator Vest's letters.

Q. Have you a copy of Mr. Cleveland's affidavit?—A. You have a copy of it here. I have the original.

Q. The original went to the President?—A. No, sir; copies went to the President.

Q. Where is the original?—A. I have the original.

The CHAIRMAN. Suppose you put that in now.

Mr. Hunter read the paper referred to as follows:

C. A. Cleveland, of the firm of C. A. Cleveland & Co., Indian traders for the Kiowa, Comanche, and Wichita tribes of Indians, at Anadarko, Ind. T., being duly sworn in accordance with law, says:

For the past two years said firm has been duly licensed to trade with said tribes of Indians. That for many years past affiant has been engaged in such trading capacity, and that during his personal intercourse, and that of said firm, no act of misconduct or unfair dealing can be established against either.

That said firm in the conduct of its business has guardedly observed all laws, rules, and regulations prescribed for the guidance of persons having trade and intercourse with Indians, and that no just reason can be ascribed why they should not be permitted to continue such trade, by a renewal of their license, which expires with the current month, January 31, 1886.

That said firm has an actual investment of some $20,000 in stock in trade at said agency, all of which stock was specially selected for Indian trade, and of consequence is chiefly unfitted for any other trade, and to remove it into the States for sale, owing to the high rates of transportation and its inadaptability, it would so depreciate its value as to cause almost an entire loss.

Further, said firm, under the conviction that by fair and just methods of dealing and observance of the laws they would be permitted to continue said business from year to year, at an expense of over $4,000, built a store-house and suitable out-buildings at said agency in which to carry on their business.

That, due to the fact of the high rates of freights, should they now be required to break up and abandon their business, it would of necessity work almost an entire loss of such property.

Early last summer (July, 1885) one S. M. Jackson, of Tennessee, came to said agency, introducing himself to our firm as a duly licensed trader at the agency, saying he was desirous of seeing if he could not make an arrangement by which we would conduct the business and he secure an interest by putting in his license as an offset to our capital.

In support of his authority to trade, and as an identification of himself, he produced a letter written by the Hon. J. D. C. Atkins, Commissioner of Indian Affairs, which stated that he (S. M. Jackson) and one other had been granted license to take the place of the "old traders" at said agency.

Not at first distinctly understanding the proposition made by Jackson, he was requested to more fully express himself, which he did by saying that he would form a partnership with me (the firm), conditioned as follows: He to put in his license and we to furnish all the capital, good will, &c., and do all the work, and he to receive one-half the net profits.

Upon my expressing my surprise at the exorbitancy of his demands, and the remarkable character of his proposition, Jackson supplemented it by saying that in case of failure on our part to accept his proposition, we would not be permitted to trade on the reservation; further saying that his influence with the Commissioner of Indian Affairs was such as to enable him to force our removal from the tradership.

These demands of Jackson were not confined to this interview alone. Subsequently he wrote us with the foregoing in view, to induce us to make him a proposition, and stated or caused to be stated through his father-in-law, Thomas J. Henley, of Saint Louis, substantially the same terms and conditions of partnership.

Of date the 5th of October, 1885, the Commissioner of Indian Affairs instructed the agent of said tribes that at the expiration of our license, January 31, 1886, it would not be renewed.

Formal application has been made by me for renewal of our license, and a full presentation of these facts has been made to the honorable Commissioner of Indian Affairs in writing, as well as through Senator G. G. Vest and our attorney, and notwithstanding the fact that Jackson has for the past six months or more endeavored to force us to his terms, and failing, has been hawking his license throughout the Southwest to secure capital on the same terms, his license is continued in force, and a positive refusal is made to renew our license.

Having faithfully served my country in the field during the entire war, and having been removed from contact with the machinery of politics, I have thought my services and honorable methods of dealing would entitle me to recognition and a protection of my interest, and not be used to work my financial ruin.

C. A. CLEVELAND.

Sworn and subscribed to before me at Washington, D. C., this 7th day of January, A. D. 1886.

JAMES A. TAIT,
Notary Public.

Mr. HUNTER. There is something in connection with that which I will submit.

By Senator BLACKBURN:

Q. Is the amount of the stock of goods on hand stated in that affidavit?—A. Yes, sir.

Q. What is it?—A. Some $20,000.

Q. At that date?—A. At that date, yes; in January.

The CHAIRMAN. What paper is that which you hold in your hand now?

Mr. HUNTER. This is the original of the letter which supplements the affidavit, and a copy of which was transmitted to the President with the affidavit.

The CHAIRMAN. Very well; you may read it.

Mr. Hunter then read the letter referred to as follows:

WASHINGTON, D. C., *January* 8, 1886.

DEAR SIR: Referring to the affidavit made by me relative to a proposition from S. M. Jackson, I desire to say that at the time, July, 1885, Jackson made such proposition, he further said if it was not accepted by us that during the month of September or October following we would find action would be had by the Indian Bureau to cancel our license or stop our future trade with the Indians.

Respectfully,

C. A. CLEVELAND.

R. F. HUNTER, Esq.

By the CHAIRMAN:

Q. You say a copy of that went with the affidavit to the President?—A. Yes, sir.

Q. You also speak of two letters from Senator Vest that went to the President?—A. Yes, sir.

Q. Have you copies of those?—A. I have the originals of those.

The CHAIRMAN. Very well; read them, and let them go into the record.

Mr. Hunter read the letters, as requested, the first one of which is as follows:

UNITED STATES SENATE,
Washington, D. C., December 5, 1885.

DEAR JIM: I had a long talk to-day with Atkins, Commissioner of Indian Affairs. The result of all it was that he is willing to license either Reynolds or Cleveland, in conjunction with Jackson. He refuses to license both, but says he will give either of them I recommend a joint license with Jackson, who is already licensed. This was the best I could get. Now, I want you to see Dave, and then write me who is the man—Cleveland or Reynolds. I don't care for either, but I want to meet your and Dave's wishes. Let me know at once.

Your friend,

G. G. VEST.

By Senator COKE:

Q. Who is "Jim," to whom the letter is addressed?

Senator BLACKBURN. It is Major Bannerman, of Saint Louis.

Mr. HUNTER. The envelope is addressed to Maj. James W. Bannerman, of Meyer, Bannerman & Co., Saint Louis, Mo.

The CHAIRMAN. Now read the other letter from Senator Vest.

Mr. Hunter read the letter in question, as follows:

UNITED STATES SENATE,
Washington, D. C., December 12, 1885.

DEAR JIM: Since writing you the other day I received a note from the Commissioner of Indian Affairs, asking me to call at his office. He wanted to tell me that he had just seen Jackson, and found it impossible to keep his promise in regard to giving a partnership with Jackson either to Reynolds or Cleveland, as I might select. He then said that he would try to give Reynolds another tradership at another point, and that this was the best he could do.

It is simply impossible for me to do justice to my astonishment when I found he had changed his mind, but I found I could not help myself, and so the matter rests. Atkins seems determined to put all the traderships in the Indian Territory in the hands of Mississippians and Tennesseeans. I do not want to have a quarrel with him, but

I think I shall offer a resolution in the Senate asking for full information as to these appointments.

Let me know whether Reynolds will take a tradership at another point. Atkins told me that Cleveland had a herd of cattle on the reservation, and he did not think he could appoint him under any circumstances.

Your friend,

G. G. VEST.

Maj. JAMES BANNERMAN,
(Care of Meyer, Bannerman & Co.,)
Saint Louis, Mo.

The CHAIRMAN. Now look over that letter in which you inclosed these documents to Mr. Lamont, and see whether all the documents to which you refer have been put in evidence.

Mr. HUNTER. Yes, sir; they have.

The CHAIRMAN. Including Mr. Caruth's letter?

Mr. HUNTER. Yes, sir; Mr. Caruth's letter was put in evidence in Mr. Cleveland's testimony.

The CHAIRMAN. I find that we cannot get through this morning. It is now 11 o'clock, and we must adjourn. But I would like to continue the investigation to-morrow morning and proceed as rapidly as we can. The committee will meet to-morrow morning at 9.30 o'clock.

The select committee then adjourned until Saturday, July 17, 1886, at 9.30 o'clock a. m.

WASHINGTON, D. C., *Saturday, July* 17, 1886.

The select committee met at 10 o'clock a. m.

TESTIMONY OF ROBERT F. HUNTER—Continued.

Mr. ROBERT F. HUNTER was recalled and his examination resumed.

The CHAIRMAN. Resuming where you left off on yesterday, if there is anything further you desire to state relating to your action in the matter of Mr. Cleveland's license, you may proceed and complete your testimony.

Mr. HUNTER. After I make a correction in my testimony of yesterday, I will do so. As the evidence is now of record it appears that I make a denial or cast a doubt upon an actual occurrence, and I would prefer, that it be rectified now. It is with reference to the questions asked me by Senator Blackburn in relation to Mr. Cleveland's presence at the interview of December 30, 1885, and the one which asked me if, in referring to the Commissioner's assurance that the firm would be permitted to trade until Jackson had his stock of goods at the agency, I said, "That is satisfactory." I replied then that it was not at that interview; that I did not make that statement at that interview, but at a subsequent one. Mr. Cleveland could not have been present at that interview, for at a subsequent one early in January, when he was present, I, for his special benefit, requested the Commissioner to renew his assurance in that respect. This assurance, however, related to the period of extension that would be granted, and not to the renewal of license—that is, the extension would be continued until Jackson had his goods at the agency. To this I said, "That is satisfactory."

After the submission of the papers in the matter of the appeal to the President that were given in my evidence of yesterday, I received as an

acknowledgment of their receipt the following letter from the Executive Mansion, of date April 27, 1886:

EXECUTIVE MANSION,
Washington, April 27, 1886.

DEAR SIR: I have your note of this date.

At the time of your call to-day your name escaped my mind in connection with the matter you have in hand.

Had you mentioned it to Mr. Pruden I should of course have seen you, or named an hour when I could.

Your communication and the letters substantiating it have been brought to the attention of the Secretary of the Interior by the President in person.

Very respectfully,

DANIEL S. LAMONT.

Mr. R. F. HUNTER, *Washington.*

Subsequent to that I was induced to believe that upon the reference to him of the case, the Commissioner of Indian Affairs would bring up, as a justification of his action in the Cleveland case, the Reynolds matter. So, anticipating that, I addressed another communication to the President, of which it and this are copies from the original, of date April 28, 1886:

225 EAST CAPITOL STREET,
Washington, D. C., April 28, 1886.

SIR: Referring to the matter of complaint filed in the case of C. A. Cleveland & Co., Indian traders, I would further respectfully submit, justification for the action of the Commissioner of Indian Affairs will, if I am correctly advised, be sought in an alleged culpability of C. A. Cleveland, arising from construction of a contract entered upon several years ago between himself and a former partner, (with) one Mr. Reynolds.

The nature of this contract was that Cleveland sold to Reynolds his then interest in the trading establishment at Anadarko. Subsequent to such sale, Reynolds claimed Cleveland had thereby obligated himself to not further engage in such business at said agency, and when Cleveland made subsequent application for license on account of himself and a new partner, the contract was filed by Reynolds as a bar to granting such license.

Mr. Cleveland, however, claimed that by entering upon such agreement he had assumed no such obligation. The contract and evidence in support of each parties' construction were reviewed by Hon. H. Price, Commissioner Atkins's predecessor in office. This officer held the issue involved questions of fact, as well as of law, and was not a matter within his jurisdiction; that Mr. Reynolds's remedy if he had any just cause of complaint, lay in such relief as the courts of law would afford; that service could at any time be had on Cleveland; that the courts should construe the contract and a jury assess damages, if any accrued.

In accordance with the conclusion thus reached, license was granted Cleveland and subsequent renewal thereof made by Commissioner Price. But on application being made in December last for renewal of the license from February 1, 1886, Commissioner Atkins nominally based his refusal to grant it on the office file of Reynolds's allegement of violation of contract.

On behalf of Cleveland, I demurred to this, and claimed that neither the contract or allegements were questions for his, Commissioner Atkins's consideration. That Reynolds did not now revive it, nor had he ever sought relief in the courts for his alleged injuries. That as far as he, Commissioner Atkins, was concerned, the entire subject matter had, by the act of his predecessor, become *res adjudicata*. And that, admitting that it were not (on the above grounds), or that Cleveland had failed to comply with the terms of the contract, and its construction was a subject within the Commissioner's functions, nevertheless he, Commissioner Atkins, was estopped from giving it consideration in the reference then before him. For his predecessor in office, having knowledge of the claim set up by Reynolds, granted and renewed licenses to Cleveland, and such granting worked a pardon for the offense, if any had been committed, as fully as did the pardon of President Johnson to estop all future action against those who had been in arms against the constituted authorities of the United States.

After such presentation I was fully impressed with the belief the honorable Commissioner had abandoned the view entertained by him, and it would be a source of regret to learn the subject of the contract had been again revived. For, in view of the fact that he had assigned to Senator Vest another untenable reason (that of herding cattle on the reservation) as the basis of his refusal, and the further fact that every other trader at said agency has been relicensed, it could but give support to the assumption that the actuating cause is to be found in the rejection by Cleveland & Co. of S. M. Jackson's propositions.

As illustrative of the financial injury that must of necessity result to my clients it the Commissioner's marked innovation in the construction and application of law and duty is sustained, I will, from several cases of which I have information, alone cite that of Hemphill & Way, Indian traders at Cheyenne and Arapaho agency, who, under the operation of the Commissioner's policy, have been forced to make an assignment with an incident loss that will aggregate many thousands of dollars.

It is against a like fate my clients protest.

Respectfully submitted.

R. F. HUNTER.

To the PRESIDENT.

The receipt of that was acknowledged by the following letter:

EXECUTIVE MANSION,
Washington, April 30, 1886.

DEAR SIR: The President directs me to acknowledge the receipt of your communication of the 28th instant with regard to the declination of the Commissioner of Indian Affairs to renew the license of C. A. Cleveland & Co., Indian traders, and to inform you of its reference to the Secretary of the Interior.

Very respectfully,

DANIEL S. LAMONT,
Private Secretary.

R. F. HUNTER, ESQ.,
Washington, D. C.

After that action I waited a proper time, and then called upon the Secretary of the Interior in order to find out what action was to be had by him. I was unable to see him.

The CHAIRMAN. Then you did not call upon him?

Mr. HUNTER. No, sir; but I called at the office. I repeated these calls two or three times, and still was unable to have an interview. In the meantime the Commissioner of Indian Affairs had issued a letter which is a matter of record, and which has been offered in evidence here by Mr. Cleveland, notifying Cleveland & Co.——

The CHAIRMAN. Directing the Indian agent to notify them.

Mr. HUNTER. There was also a letter to Cleveland & Co.—there were two letters, I believe—notifying them that they would be closed on the first day of June. As it was then approaching the middle of May, I saw that if the rights of my clients were to be protected immediate steps must be taken, and after again calling upon the Secretary and being unable to see him, I addressed this letter to the President, of which this is a copy, and which I presume was included by the President in that portion of my correspondence with him that was regarded as confidential.

The CHAIRMAN. Let me look at that. [After examing the letter.] This is only confidential in the sense that you divided your appeal into two parts, one part for the President's ear alone, and not to be put on file.

Mr. HUNTER. Yes, but it was official; it was not private but official correspondence.

The CHAIRMAN. Proceed and read the letter.

Mr. HUNTER read the letter in question, which is as follows:

225 EAST CAPITOL STREET,
Washington, D. C., May 15, 1886.

SIR: It has become a subject for serious reflection whether or not the grave charges embodied in the appeal of C. A. Cleveland & Co., Indian traders, referred by you some three weeks ago to the Secretary of the Interior for investigation, will receive at his hands such immediate consideration as their gravity merits, and as will estop the malignant proceedings of the Commissioner of Indian Affairs.

Common courtesy would have seemed to demand that, pending investigation, there should have been a suspension of the Commissioner's summary action; but this officer, acting, as he alleges, with the approval of the Secretary, has, *subsequent* to the appeal

and your reference, and as though in defiance of both, issued imperative instructions to enforce, on June 1, the fulfillment of his outrageous persecutions. I can only conceive of the Secretary's acquiescence in such questionable methods on the theory that he accepts the Commissioner's *ex parte* and ingeniously constructed statement as true.

So far as I am officially advised there has been a signal failure to examine into the merits of the pending allegations or to determine the number and extent of similar outrages perpetrated under statutory guise.

Incidentally, I learn the Commissioner seeks to justify his action in the removal of this firm from the agency upon occurrences of several years' standing, each and all of which were successfully refuted at the time, and all of which questions having been once adjudicated in favor of Cleveland & Co. are not now within the province of the Commissioner of Indian Affairs, without the introduction of new evidence, to reopen, and reach a conclusion on *ex parte* complaints to sustain the attitude he now assumes. Moreover, if the charges on which the Commissioner *now* seeks to base his action have any weight and validity, they must have had equal force and validity on December 5, 1885, when he tendered to Senator Vest a partnership with S. M. Jackson, for either Cleveland or Reynolds, as the Senator might elect, which tender the Commissioner subsequently withdrew when he learned from Senator Jackson that his brother (S. M.) had probably succeeded in negotiating his license, used as a circular letter of influence, and that therefore such partnership was no longer a necessity.

In this, however, they were alike mistaken, as S. M. Jackson was unable to realize on his license, though during a period of some eight months he had successively offered it on the markets of the Southwest.

The defense advanced by the Commissioner, as I understand it, is a resort to subterfuge and skilfully evades the very essence of the matter in issue, which is, what are the true influences that operated to cause him to refuse to Cleveland & Co. a renewal of their license?

Did he or did he not for months have knowledge of Jackson's dishon r..le propositions; and can he formulate a distinct reason why he sanctioned byacquiescence these infamous demands?

It is no excuse to say, as has been done, Jackson is a brother of ex-Senator Jackson, a very wealthy man, who could advance him the money necessary to open trade. The ex-Senator did not so advance it, although the appointment was, I am advised, made at his solicitation, and he must unquestionably have had knowledge of what was being done. Still he neither advanced the money, nor took any steps of which I am aware, to counteract the nefarious methods of his brother.

Can it then be a matter of surprise that Senator Vest, in great indignation, should have exclaimed "It is a d——d outrage which I cannot countenance, I care not whose brother he is"?

Again, was the request for the surrender of Jackson's license made because of such practices, or of his seeking for months to make a negotiable paper of it, or was it when, after being pressed, and finding Jackson could neither intimidate or wheedle any one into a partnership, the Commissioner advised him he must either proceed to the active duty of a trader or surrender his license?

Another grave question to be answered is, has or has not the execution of the Commissioner's policy brought financial distress on many persons, whose only offense has been, opportunity must be given to supply the Commissioner's friends with the loaves and fishes of his official patronage. And if, but too frequently, such friends were not so impoverished financially and bankrupt morally, that in their eyes the ethics of the blackmailer looked like a revised edition of the golden text.

This is what Senator Vest referred to when he wrote, he thought of introducing in the Senate a resolution of inquiry as to the appointments of Indian traders.

And, with my knowledge of facts, I feel justified in saying had such resolution been introduced and proceeded with, the official integrity of an ex-United States Senator, and present United States circuit judge, as well as a Commissioner of Indian Affairs, would, in all probability, have been so impeached that they would occupy, in history, niches as unenviable as that now filled by Belknap on account of his complicity in post-traderships under Grant's administration.

What I now ask at your hands, Mr. President, is that an immediate and thorough investigation of this subject-matter be made in its entirety.

If my clients, Cleveland & Co, cannot, in all respects, justify their conduct they will interpose no objection to the financial ruin sought to be brought upon them.

Very respectfully,

R. F. HUNTER,
Counsel.

To the PRESIDENT.

The CHAIRMAN. Was there any acknowledgment of that letter?

Mr. HUNTER. As an acknowledgment of that letter I received the following:

EXECUTIVE MANSION,
Washington, May 21, 1886.

DEAR SIR: Your communication of the 15th instant, to the President, has been received by him, and, by his direction, referred to the Secretary of the Interior.

Very respectfully,

D. S. LAMONT,
Private Secretary.

R. F. HUNTER, Esq.,
Washington, D. C.

The CHAIRMAN. What is the date of that?

Mr. HUNTER. It is dated May 21, 1886. After the receipt of that letter I again called to seek an interview with the Secretary of the Interior to know what action would be had by him, and when. I remained, awaiting information whether he would receive me or not, for a period of two hours.

By the CHAIRMAN:

Q. Let me ask right here: In all these times when you went and called on the Secretary and say you were unable to see him, did you or not communicate to him, in any way, the nature of the business on which you had called?—A. I did, sir, through his son and private secretary, and at one of these interviews his private secretary took a memorandum and said that he would advise his father, as he was unable to see me that day, and would let me know, by note, what day his father would have an interview with me. I never received any such note from him, and after this last letter I again went and waited two hours, his son seeking to obtain an interview with his father for me. At the expiration of two hours he came out, the private secretary did, and informed me that his father had just gone out with Judge Jackson. I thereupon concluded there was no necessity of my waiting any longer (and I had about exhausted my patience) to obtain an interview with the Secretary.

Q. How many times did you call in all for the purpose of obtaining an interview?—A. Three times positively, and four times I think.

Q. And at how many of these interviews did you endeavor to communicate to him the business on which you called?—A. At each and all of them.

Q. You know that he was in on all these occasions?—A. Oh, yes, sir; I know from what was said to me by the messenger and by the private secretary.

Q. The private secretary being his son?—A. Yes, sir; his son was his private secretary.

Q. You may continue your statement. You were saying that your patience was exhausted?—A. Yes, sir. At this time or about this time—it might have been just before or just after—I thought I would go again and make a final appeal to the Commissioner. I felt very much exercised about the matter, and I went in, and my impression is it was when I came from my last endeavor to see the Secretary——

Q. You went in where?—A. To the Commissioner's office, with a view of seeing him and making a final appeal to him in behalf of Cleveland & Co.

By Senator COKE:

Q. What time was that?—A. I say I cannot recollect.

By the CHAIRMAN:

Q. State as near as you can.—A. It was either just before I sent this last letter to the President or at my last interview when I went the last time to seek an interview with the Secretary.

Q. What is the date of your last letter to the President?—A. It is dated the 15th of May, 1886.

Q. It was, then, some time between the 20th of May and the 1st June?—A. It was some time, I will say, between about the 18th of May and 1st of June. But the Commissioner was not in, and Mr. Upshaw was acting Commissioner, and I simply stated to him that I had called to see the Commissioner upon the Cleveland matter, and that I sincerely hoped he could reach a conclusion that would be favorable to a renewal of their license. My manner was, I presume——

The CHAIRMAN. You need not tell about your manner; no matter about that.

Mr. HUNTER. Then the next action that I took under peremptory and positive instructions from Cleveland & Co. was to file the statement in the hands of Senator Wilson, which formed the basis of the charges for this investigation.

Q. Did you request him to introduce a resolution for an investigation?—A. I submitted a statement of it to him for such action as was necessary and had drafted and put in his possession a draft of a resolution. But the resolution was changed from my draft to the one that was adopted by the Senate. Subsequent to that, at the time of the reference of the resolution to the Indian Committee of the Senate, the Committee on Indian Affairs, in the hope that I might still arrest the action of the Commissioner in this matter and stop the injury that would result to Cleveland & Co. if they were removed on the 1st of June, on the 29th of May, 1886, I addressed the following letter to the Commissioner:

225 EAST CAPITOL STREET,
Washington, D. C., May 29, 1886.

To the COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.:

SIR: In view of the pending action, under resolution and reference of the Senate of the United States, I have to request that there be a suspension, until a conclusion is reached, of any action had by you looking to the closing and removal of the trading business of C. A. Cleveland & Co., from June 1, 1886, from the Kiowa, Comanche, and Wichita Indian Reservation.

Very respectfully,

R. F. HUNTER,
Counsel for Cleveland & Co.

Mr. HUNTER. I received no recognition of the receipt of that letter, although I handed it, on the same day on which it was written, to the Commissioner's son, in his office, who I presume is acting as his private secretary or as a clerk there. The Commissioner was out. Subsequent to that I addressed a letter, of which the following is a copy, to the Commissioner:

225 EAST CAPITOL STREET,
Washington, D. C., June 3, 1886.

The COMMISSIONER OF INDIAN AFFAIRS:

SIR: I have the honor herewith to request that, pending the investigation, &c., directed by Senate resolution of inquiry, of this date, there be a suspension of action on your order directing the removal of the firm of C. A. Cleveland & Co., Indian traders, from the Kiowa, Comanche, and Wichita Indian Reservation, and that until appropriate action be had, in accordance with the provisions of said resolution, that said firm be, as heretofore, authorized to trade with said Indians.

Very respectfully,

R. F. HUNTER,
Counsel for C. A. Cleveland & Co.

By the CHAIRMAN:

Q. What did you do with the letter of which that is a copy?—A. That was mailed on the same day to the Commissioner, and I have never received any recognition of its receipt.

Q. And that closes your connection with the Commissioner of Indian Affairs?—A. Yes, sir; that terminates it.

Q. Now, let me ask you a question. I think this morning you referred to Mr. Cleveland's being present at an interview with Commissioner Atkins on or about January 25, did you not?—A. No, sir; not so late as that. Mr. Cleveland left Washington January 14, or somewhere about that date.

Q. You have referred in your testimony this morning to Mr. Cleveland being present at some interview with the Commissioner?—A. Yes, sir.

Q. Did you detail what occurred at that interview in your testimony yesterday? I do not recollect that you did.—A. No, sir; and that is why I requested the privilege of making that correction, as otherwise in the testimony of yesterday it would appear that I was denying or casting a doubt upon an actual occurrence, but which had not occurred at the time it was recited in the question of Senator Blackburn.

Q. If, when Mr. Cleveland was here in January, you had interviews with Commissioner Atkins at which Mr. Cleveland was present, state what those interviews were, and what occurred during those interviews; whether there were one or more when Mr. Cleveland was present, and if more than one what occurred at each?—A. There were some two or three of those interviews in January. The object of the first one was——

Q. You need not state the object, but state what occurred.—A. I went with Mr. Cleveland to the Commissioner's office.

Q. Can you tell about when that was?—A. That possibly would have been the 3d or 4th of January, about that date. I am not positive about it because the holidays came in there and a Sunday intervened.

By Senator COKE:

Q. Come as near as you can to the date.—A. It was about the 3d or 4th of January. I called with Mr. Cleveland for the purpose of having the Commissioner renew to Mr. Cleveland the assurance that he had given me personally on the 30th of December as to what period of time would be covered by the extension granted him; that is, that under no contingency, as I understood it, would that extension be less than such time as it would require Mr. Jackson to get his stock of goods there. I was desirous that Mr. Cleveland should have that information so that when he left he could go away with some positive assurance. That was the object of taking Mr. Cleveland there, to have the Commissioner renew his statement. And further I was also desirous in that interview of finding out whether Senator Vest had called upon the Commissioner in reference to Mr. Cleveland's statement that had been submitted by us in our interview of the 31st, and I had understood the Senator to say that when that statement was filed he would call upon the Commissioner and confer with him in reference to it or in reference to the renewal of the license.

By the CHAIRMAN:

Q. What occurred at that interview? That is what I desire to ascertain.—A. As I say, the principal object of that interview was to get that assurance of the Commissioner made to Mr. Cleveland personally.

Q. Was there much conversation then?—A. No, sir; very little.

Q. Did you or not get any assurance of that?—A. Yes, sir; the Commissioner renewed his assurance in the presence of Mr. Cleveland of that fact—that he would regard the continuance of their license, under sufferance, to be until such period of time as Mr. Jackson got his stock of goods at the agency.

Q. Did you call again with Mr. Cleveland?—A. Not that I am assured of, for the simple reason that there was hardly any necessity for my calling again.

Q. I thought you said there were two or three times when you called with Mr. Cleveland?—A. So I did; but what I mean is, Mr. Cleveland did not accompany me with the express purpose of getting information for himself. I may have gone in just simply to see if the Commissioner had, under action that had been taken by Senator Vest, changed his views. That was about all.

By Senator COKE:

Q. How many times did you and Mr. Cleveland call together there for any purpose?—A. I suppose we called possibly four or five or may be half a dozen times.

Q. Between what dates?—A. It would be between the date of his arrival——

By the CHAIRMAN:

Q. Which was when?—A. Which was about the 19th of December, and the date of his departure about the 13th of January. I would not be able to fix the number of times, but there were only two or three of those times that Mr. Cleveland was brought into personal contact with the Commissioner. The first time I took him there more for the purpose of introducing him to the Commissioner. That was about the 19th or 20th, or along there.

Q. The point I want to get at is whether in any of those interviews when Mr. Cleveland and yourself called on the Commissioner, anything was said about Mr. Jackson's propositions to Mr. Cleveland by either of you in the presence of the Commissioner?—A. In any of those interviews? Oh, yes, sir—no, I think I am in error. Mr. Cleveland's statement of the fact was a written statement.

Q. I am speaking of any oral statement made by you or Mr. Cleveland when you both called on the Commissioner.—A. No, sir; I think there was not, for there was no occasion for its being brought up. The written statement was filed, and it would not necessitate any oral statement.

Q. It might have been brought up and talked about, whether it was or not.—A. That I cannot say. It may have been done incidentally, but it was not to any extent—at least not sufficiently so to impress my mind with it.

Q. I will ask you one more question, and I believe that is all, and I do not know that you can answer it; I suppose we might get it from the records of the office: Do you understand that any other trader has been appointed at the Kiowa, Comanche, and Wichita Indian Agency since Mr. Jackson's license was recalled, which, I understand, was in February?—A. I can best answer that question——

Q. Do you or not know?—A. I was informed that there were other new traders there, but whether it was to take the place of Mr. Jackson's license when it was recalled, I am unable to say.

Q. Who has the tradership now?—A. Messrs. Sneed & Colyer, I believe, are trading at the agency, or they are trading at Fort Sill, but it is a part of that agency.

Q. Do you know of anything you desire to state before you are cross-examined?—A. I think I have submitted all the statements I desire.

Senator VEST. I would like permission of the committee to ask the witness a question or two in regard to a personal matter. (To Mr. Hunter.) I see from the papers that you put in evidence here yesterday two private letters from me to Maj. James Bannerman, of Saint Louis.

Mr. HUNTER. Yes, sir.

Senator VEST. Where did you get those letters?

Mr. HUNTER. They were put in my hands for the express purpose of using them to facilitate the renewal of the license of Cleveland & Company, and to protect their interests.

The CHAIRMAN. But where did you get them, from whom, that is the question?

Mr. HUNTER. I do not know, Senator, that I should answer that question.

Senator VEST. I want you to answer it. I want to know how my private, confidential correspondence to a friend gets into the public press. Did you furnish those letters to the New York Tribune or its correspondent?

Mr. HUNTER. Do you suppose I would answer such a question, whether I did or not?

Senator VEST. I do not know whether you would or not, but I would like you to answer the question.

Mr. HUNTER. I am not here subject to a private catechism.

Senator VEST. You put those letters in evidence before this committee and made them public, and I want to know how and where you got them. They are my private correspondence with an intimate friend in Saint Louis.

Mr. HUNTER. They may have been your private correspondence, but they are not your letters.

Senator VEST. Where did you get those letters?

Mr. HUNTER. I do not acknowledge your right to examine me upon that matter. If you have any questions to ask, you will have to ask them through the committee.

Senator VEST. You have thought it right to publish them in the newspapers——

Mr. HUNTER. If the committee desires me to answer that, I will answer it.

Senator VEST. I am asking you by authority of the committee.

Mr. HUNTER. If I had understood the committee to make that concession——

Senator COKE. I will ask the question. Where did you get those letters?

Mr. HUNTER. They were placed in my hands by my clients.

Senator VEST. You mean Cleveland & Co.?

Mr. HUNTER. Yes, sir.

Senator VEST. With authority to publish them; with authority to put them in the newspapers?

Mr. HUNTER. Who alleged that we put them in the newspapers?

Senator VEST. You know as well as you know that you are living. It is a public matter. They were published in the New York Tribune four days ago.

Mr. HUNTER. Those letters, or copies of them, permit me to inform you, have been in the hands of the President of the United States, and of the Secretary of the Interior, and also in the hands of this committee,

and there are other sources of leaking, possibly, as well as through me, sir.

Senator VEST. I am glad to see you excited; you ought to be. I want to ask you whether you furnished those letters to any correspondent of the New York Tribune?

Mr. HUNTER. I will decline to answer that question.

Senator VEST I thought you would. That is all I want to ask him. I just wanted to know what sort of a gang had got hold of my papers.

The CHAIRMAN. If there is nothing further we will suspend the examination at this point, and the committee will meet again on Monday at 10 o'clock.

The committee then adjourned until Monday, July 19, 1886, at 10 o'clock a. m.

WASHINGTON, D. C., *Monday, July* 19, 1886.

The select committee met pursuant to adjournment, and, after consultation, decided to postpone the further taking of testimony until Tuesday.

Thereupon the committee adjourned until Tuesday, July 20, 1886, at 10 a. m.

WASHINGTON, D. C., *Tuesday, July* 20, 1886.

The select committee met pursuant to adjournment at 10 a. m.

TESTIMONY OF ROBERT F. HUNTER—Continued.

Mr. ROBERT F. HUNTER was recalled, and his examination resumed as follows:

Mr. HUNTER. I would like to ask as preliminary to my cross-examination, if my first letter to Commissioner Atkins, written in June, has yet been filed and is of record?

The CHAIRMAN. No, it has not been. I presume the Commissioner of Indian Affairs will produce that with other letters in his possession.

Senator BLACKBURN (to the chairman). Are you through with the examination-in-chief?

The CHAIRMAN. Yes.

By Senator BLACKBURN:

Q. In the first part of your testimony, how long did you say you had been a practicing lawyer here in Washington?—A. Since about 1871 or 1872; I think 1872.

Q. Did you reside here before that time?—A. Off and on, I did.

Q. Were you a lawyer earlier than that?—A. I was admitted to the bar, to the District bar, earlier than that.

Q. Had you ever practiced law before elsewhere?—A. No, sir.

Q. What business were you engaged in prior to that time?

Mr. HUNTER. I think, as questions of that kind are not relevant to my personal conduct in this case, I will have to decline to answer.

The CHAIRMAN. Allow me to say a word. You had better answer all questions that Senator Blackburn asks you to get at your history, whatever they may be, and not decline to answer.

Senator BLACKBURN. I think Mr. Hunter knows what I am going to

do, and I have no secrets or hesitation about it. Whatever tends to throw any light upon the value of this witness's testimony occurs to me to be competent. I know we are not following the strict rules of evidence applied in courts of justice. I have not sought to do it and do not want to do it, because I want to get the fullest measure of information possible. If there is anything in Mr. Hunter's antecedents that tends to impair or to establish the value of his testimony, I think it is competent to be shown here. I will ask the question direct, so that you may answer or decline answering.

The CHAIRMAN. I think an objection might possibly be made to that line of inquiry, but so far as I am concerned I do not want to make it. The only objection I have to it is that if anything is brought out that seems to reflect on the witness in any way, he may have to explain afterward. I do not know that there is anything of that kind, but of course I assume that the question looks to something of that sort.

Senator BLACKBURN. Yes, it does.

Mr. HUNTER. If the chairman will permit me, I will say to the Senator personally (it need not go on to the record) that I can satisfy him in half a minute's time that the line of his inquiry——

The CHAIRMAN. Just answer the questions; that is the best way.

Senator BLACKBURN. I am not seeking any instruction in the law; that is my profession, too.

Mr. HUNTER. No, I did not mean in the law.

By Senator BLACKBURN:

Q. Were you an officer in the Army during the late war?—A. I will say that I have sought for twenty years an opportunity of answering that question. I was.

Q. In what regiment?—A. In the Second Regiment of Infantry.

Q. That is the only question I have to ask on that branch of this subject. I find in your testimony on Saturday, when I was not present, one or two matters that I want to call your attention to. In a letter written by you and addressed to the President under date of May 15, 1866, on page 61 of this printed report of testimony—which begins at page 61 and covers page 62—I find toward the close of your letter, near the bottom of page 62 of this printed report, the following language: "And, with my knowledge of facts (that is, *your* knowledge of facts), I feel justified in saying, had such resolution been introduced and proceeded with (referring to the resolution of investigation that Senator Vest had proposed to introduce in the Senate), the official integrity of an ex-United States Senator and present United States circuit judge, as well as a Commissioner of Indian Affairs, would, in all probability, have been so impeached that they would occupy in history niches as unenviable as that now filled by Belknap on account of his complicity in post-traderships under Grant's administration." I will ask you to state what facts were within your knowledge that justified you in making that statement?

Mr. HUNTER. With reference to one or both of the parties indicated there, which do you mean?

Senator BLACKBURN. I have nothing to do with anybody except Mr. Atkins, the Commissioner of Indian Affairs.

A. That was based upon the evidence that was in my hands, and upon my interviews at the office of the Commissioner of Indian Affairs, and the knowledge that had been conveyed to the Commissioner either directly or indirectly by myself or by Senator Vest, and by Mr. Cleveland's written statement of the transactions of Mr. Jackson with him. Those are the facts that are referred to there.

By the CHAIRMAN:

Q. Which Jackson do you mean?—A. Senator Jackson.

Senator BLACKBURN. He was not an ex-Senator.

Mr. HUNTER. You confined your question as to Mr. Atkins.

Senator BLACKBURN. I do not think this committee is charged with any inquiry as to any Senator or anybody but Commissioner Atkins.

Mr. HUNTER. Senator Jackson was a part of the foundation on which the allegations are made against the Commissioner of Indian Affairs.

Senator BLACKBURN. I am not seeking to get any explanation of Senator Jackson's conduct, but am only seeking an explanation of the conduct of the Commissioner of Indian Affairs.

Mr. HUNTER. Well, it was based on that information.

By Senator BLACKBURN:

Q. Had you at that time, or have you now in your possession, any facts tending to support the statement which I have just quoted from your letter to the President, that you have not in this examination submitted to this committee?—A. Oh, no sir; the committee have——

Q. They have all the facts?—A. There may be a few incidental interviews with the Commissioner of Indian Affairs, and some language that passed between myself and the Commissioner, that possibly may not appear of record here.

Q. Can you recall it now?—A. Yes, I might in a general way, but it all tended to identically the same thing as is of record before the committee.

Q. Then all I want is for you to be content to say to us that all the facts that were or are now in your possession tending to support this statement of yours, which I read from your letter to the President, have been submitted to the committee here, because if you have any others we are entitled to them.—A. I will give you other facts and incidents.

Q. Let us have them.—A. About the early part of August, 1885. I became possessed of information to the effect that letters had been written the Commissioner of Indian Affairs by Mr. Jackson and by one Jacobs who had been licensed——

Q. Allow me to interrupt you for a moment. Are you speaking now of what you know or of what you heard?—A. I am stating information of what was conveyed to me.

Q. Then it is hearsay evidence you are giving?—A. I propose making it record evidence.

Q. You propose to make it your own?—A. I am seeking to make it record evidence.

Q. If it is in the scope of your knowledge I want it.

The CHAIRMAN. The point is this: Whether you know it so that you can testify to it of your personal knowledge or whether it is hearsay evidence.

Mr. HUNTER. It is the information which actuated me to move in the matter.

Senator BLACKBURN. I do not care anything about that. As a lawyer, you must know——

The CHAIRMAN. I have rather purposely excluded from your testimony quite a mass of hearsay evidence, and confined you to those things which you were personally cognizant of. I understand that Senator Blackburn wishes to do the same thing.

Senator BLACKBURN. That is what I want to do. He states here

that they are facts within his knowledge. I want to rule you down to your own language. As a lawyer you must know what that means.

Mr. HUNTER. I fully understand the restrictions you are desirous of placing upon me.

Senator BLACKBURN. I only want to restrict you to what you know, and not what somebody may have told you.

Mr. HUNTER. Well, I will say this, that in part what I was going to say is a fact within my own knowledge, and in part it is information I have received.

Senator BLACKBURN. Give us the facts.

Mr. HUNTER. I cannot give you the facts without giving you the information. This was so much a question of doubt that I cannot give you the facts without giving you the information.

Senator BLACKBURN. That is a singular admixture.

Mr. HUNTER. If I recite it to you, you will see that it is so.

Senator BLACKBURN. Yes, you could probably so shape it. I will then put simply this question to you; I will request you to state to the committee any fact or facts within the limits of your own knowledge, other than those already submitted to the Committee, that tend in any wise to support the statement which you have made, and that I have read from this letter of yours, as to the Commissioner of Indian Affairs.

Mr. HUNTER. In the early part of August, I think, I read in the office of the Commissioner of Indian Affairs the retained copy of a letter of the Commissioner of Indian Affairs addressed to one W. P. Bond (I think those are the correct initials), of Trenton, Tenn., which indicated clearly to my mind that Mr. Bond had written a communication to the Commissioner of Indian Affairs, demanding of him to comply with the compact that had been entered upon between him, Bond, and the Commissioner of Indian Affairs, relative to the Indian tradership at Anadarko, in which, as I inferred from the Commissioner's communication, the demand had been made that all of the traders at that agency were to be ousted; that the tradership were to be reduced to two, and that those were to be supplied by the personal friends or by the parties whom the Commissioner had licensed, that is, S. M. Jackson and this man Jacobs, who, as I understand, was associated with the firm of M. B. Harris & Company.

Senator BLACKBURN. There, you see, is information again.

Mr. HUNTER. And it was in advocacy of the rights of M. B. Harris & Co. that Mr. Bond made this appeal in an application to the Commissioner.

Senator BLACKBURN. Did you see Mr. Bond's letter?

Mr. HUNTER. I do not think I did, but I think I heard the contents of it.

By Senator CULLOM:

Q. Do you mean that you heard it read in the office?—A. No, sir; but a general summary of the contents was conveyed to me, Senator, and that is why I said——

By Senator BLACKBURN:

Q. By whom was it conveyed to you?—A. I decline to answer.

Q. You know who conveyed that information to you, do you not?—A. I do, sir.

Q. And you decline to tell?—A. I decline to tell; and that is the reason why I said I could not state the fact without giving the information.

Q. I know you cannot unless you want to.—A. I do not refer to the person who gave me the information, but I could not state the fact.

By Senator CULLOM:

Q. All you know about this letter is what somebody told you?—A. Yes, sir.

By Senator BLACKBURN:

Q. And you decline to tell who told you?—A. And I now request that these letters, and particularly the letter of Mr. Bond, be made a part of the record of these proceedings.

Q. What is the date of it, so that we can identify it?—A. Some time in July, 1885. That is my impression.

Q. You read that letter?—A. No, sir.

Q. You read the letter of the Commissioner in answer to that letter?—A. Yes; I read a part of the letter, and I think the whole of it.

Q. Would you not have read it all if you started to read any of it?—A. Not of necessity. It was quite a long document.

Q. Did you have no curiosity about it?—A. My curiosity was satisfied upon the information that had been conveyed to me in the little portion of the letter that I did read.

Q. You did not want to read any more?—A. I did not think it was necessary.

Q. Did the word "demand" appear in that letter?—A. Not that I know of.

Q. Did the word "compact" appear in that letter?

Mr. HUNTER. In the Commissioner's letter?

Senator BLACKBURN. Yes.

A. Not that I can recall. I cannot recall any specific language in that letter.

Q. I was only using the language that you used just now.—A. In the language that I made use of there, that was the information conveyed to me as the contents of Mr. Bond's letter.

Senator CULLOM. It seems to me that this talk about letters on file is entirely outside of the matter.

Senator BLACKBURN. Yes, I do not see the necessity of Mr. Hunter's bringing it in. We can have the originals, I suppose.

Mr. HUNTER. The information was as to the contents of Mr. Bond's letter, and not as being embodied in the Commissioner's letter. I have no recollection of the contents of the Commissioner's letter, except the impression it made on my mind that it was necessary for me to take action on behalf of Cleveland & Co.

Senator BLACKBURN. Then have we, or have we substantially, before the committee now all the facts that ever have been in your possession tending to support that statement which you made?

Mr. HUNTER. Yes; and if you had used the word "substantially" before, I would have made the same answer before.

Senator BLACKBURN. I will leave out the word "substantially" and ask if we have all, and if you have stated to this committee each and every fact or part of a fact that ever was in your possession to support that statement in your letter to the President?

Mr. HUNTER. All that I at the present time can recall.

Q. Then I will ask you this: Who gave those letters of Senator Vest to the representative of the New York Tribune?—A. I will have to reply to you, Senator, as I replied to Senator Vest, that those letters for copies of them) were in the hands of the President of the United

States, and, as I am informed by the letter of the private secretary of the President, were referred to the Secretary of the Interior; those letters were in the hands of Mr. Upshaw, the chief clerk of the Indian Bureau; in the hands of the Commissioner of Indian Affairs, Mr. Atkins; in the hands of the chairman of this committee and of myself, and there are other sources of "leaking" as well as through me, and therefore I decline to answer.

Q. I am obliged for that information. Then you decline to say who gave them out. I will ask you this question: Did you give them to the representative of the New York Tribune?—A. I decline to answer. It is not within the line of my professional conduct in connection with this case.

Q. I am content with your answers, but I just want some more of them of that or any other description. Did you have any complicity in or concern with the obtention of those letters of Senator Vest by the representative of the New York Tribune, or were you cognizant of the fact that they were given over to him?—A. I decline to answer any further questions with reference to those letters or to give any more information than is now before the committee.

Q. I am content with that. Then I will ask you this question: Do you think it is either professional or fair for you to intimate that the President of the United States or the Commissioner of Indian Affairs, the Assistant Commissioner, or the chairman of this committee were responsible for that, whilst you yourself refuse to tell what you know about it?—A. I will answer that by stating that with the exception of Mr. Upshaw and Commissioner Atkins, it appears of record in these proceedings that Senator Vest characterized the other parties named by me, as well as Mr. James Bannerman, the party to whom those letters were addressed, as being "a gang," and if we were a gang associated together, the possibility is that the persons associated in that gang would be as liable to do it as I myself would.

Q. But whether they were or not, you decline to tell?—A. I decline to tell.

Q. That is all very well. Is this the only firm of Indian traders that you have been counsel for?—A. Oh, no, sir. I answered that before.

Q. I know you did, and I am going a little further with it by your permission. What proportion of your practice and professional work, in round numbers, has been embraced in your employment by Indian traders here?—A. A very small portion of it. I think there are only two cases.

Q. You only had two cases?—A. That is my impression at present. I may have had some ex-traders for whom I attended to business.

Q. Did you ever send out a circular to those Indian traders?—A. Oh, yes, sir.

Q. What were you proposing to do in that circular?—A. To act as attorney for them and represent their interests before the Bureau.

Q. Is that what the circular stated?—A. I do not recollect the contents of the circular.

Q. Did it have anything in it about fire-extinguishers or hand-grenades?—A. No, sir; not at all. You have got on to an entirely different thing, permit me to tell you.

Q. You did not have anything to do with that?—A. Yes, sir; I was also the attorney to represent the Harden Hand-Grenade Company before the United States Government. I am still the attorney of that company.

Q. You sent out none of those to the Indian traders?—A. No, sir;

not to an Indian trader—that is, about the hand-grenade. I do not think I ever sent such a circular to them. I never sent such a circular to an Indian trader that I am aware of. To Indian agents I think I did.

Q. I think, in your testimony on the first day you appeared here as a witness, you stated that on the 8th of August, 1885, Mr. Cleveland wrote to you that he would go into business with Jackson on fair business terms?—A. I did not make such a statement here.

Q. Very well; you will have to strike it out from the printed record I presume.—A. I think not sir. If it appears of record here I may be mistaken in that respect. What I did say, if my recollection is correct, was that I filed a letter of Cleveland & Company, in which that statement is recited.

Q. By Mr. Cleveland?—A. Yes, sir; by Mr. Cleveland.

Q. That is what I say.—A. No, you said I had included that in my statement.

Q. So I do say it.—A. Well, it is not my statement. I filed that letter—no, I did not file the letter, but I received the letter. That letter was not filed.

Q. That is what I said; I did not say you filed it. You received a letter from Mr. Cleveland and of date August 8, 1885, stating that he would go into business with Jackson on fair business terms. Was or was not that subsequent to the making or submission of the dishonorable proposals that Jackson had submitted to Cleveland?—A. That of necessity was subsequent to that time.

Q. In the letter which you wrote to the President, which is in print here before us, I think you stated that the stock on hand that Mr. Cleveland had at the time his business was closed up by the Commissioner's order, was about twenty thousand dollars?—A. Yes, sir.

Q. Where did you get that information?—A. From the affidavit of Mr. Cleveland.

Q. Did you hear Mr. Cleveland's testimony before this committee when he was on the witness stand?—A. Yes, sir.

Q. Did you hear him say that it was about twelve thousand dollars as an average, and that at the time it was closed up it was about an average stock?—A. I do not recollect having heard him say that in January it was about that amount. My recollection of his evidence is that he said it was from fifteen to eighteen thousand dollars.

Q. On which you put it at twenty thousand dollars?—A. I did not put it at anything.

Q. Who drew up that statement to the President?—A. The statement to the President I said was based on the affidavit of Mr. Cleveland.

Q. But who drew up that statement?—A. I drew it myself.

Q. In that statement the stock on hand at the date that he closed was put at $20,000?—A. Not when he was closed out.

Q. Yes, when he was closed out.—A. That is to cover the date of the affidavit. The affidavit was then in possession of the President.

Q. Did that appear in your statement to the President—the fixing of the date when the amount of stock was $20,000?—A. I do not know that it does. But the President had it in his possession, if he had not sent it to the Secretary, a copy of the affidavit of Mr. Cleveland, setting forth the fact that at that date in January, the value of the stock was some twenty thousand dollars. Of course in regard to these facts and those valuations I have no personal knowledge; they are predicated on the sworn statement of my client.

Q. That makes the discrepancy of statement straight as to you, I admit. When did you take this appeal from the decision of the Com-

missioner of Indian Affairs to the President?—A. My first letter to the President will show. My impression is it was the 22d of April, 1886.

Q. Then I think you stated you went and had an interview with the Commissioner?—A. No, sir; with Secretary Lamont.

Q. No; with the Commissioner of Indian Affairs?

Mr. HUNTER. At that time?

Senator BLACKBURN. Did you not state that you went to him more than once and had interviews with him, trying to get his action made final, so that you would have something to appeal upon?

A. That interview you refer to was prior to April 22.

Q. But I am going to another interview. Did you not state that you had several interviews with the Commissioner seeking to get final action upon his part, so that you would have an "overt act" (that was your expression) upon which to predicate an appeal?—A. Yes, sir.

Q. Now, when that "overt act," as you describe it, was had, and you had made the appeal, did you not, subsequently to that, have an interview with the Commissioner in which you asked him if his action was final?—A. I do not recall such an interview; the interview of April 14 was the interview which I am impressed was the one that was preceding the appeal.

Q. That is not the last interview you ever had with him?—A. I think it is; I think the interview of April 14 was. I sought an interview with him, but he was absent, and Mr. Upshaw was in the office.

Q. I will ask you this: Did you, at any time, in any interview with the Commissioner of Indian Affairs, say to him that he had always treated you with the greatest courtesy and that he had treated Mr. Cleveland with the greatest fairness and leniency—more than you would have extended to him had you been in the Commissioner's place?—A. No, sir; I have no recollection of having made any such statement as that.

Q. Of course I am not quoting your language, but I mean substantially.—A. No, sir; I do not think it would be substantially. Subsequent to the 17th of December, 1885, and particularly subsequent to the date in January—about the 18th, on which day I showed him Senator Vest's letters—the Commissioner of Indian Affairs did treat me with exceeding courtesy, and on the interview of April 14, which is the one you are seeking to reach, I did state to the Commissioner of Indian Affairs, as near as I can recollect, that I was obliged to him for the courteous treatment he had extended to me; that I thought Cleveland & Company had made a grave mistake in ordering me to make this appeal; that they differed with my views in regard to it, and—I do not know that I said to the Commissioner these exact words, but I had it in my own mind—that had not Mr. Cleveland been impelled by the advice and counsel of Senator Vest to seek a Representative, a Senator or Member, to introduce a resolution of inquiry in the Senate or the House upon this matter, Mr. Cleveland would not have refrained from following my counsel. Those are the impressions that were made on my mind.

Q. Now, then, I will ask you this: Did you in any interview say to the Commissioner of Indian Affairs that the Commissioner had been more lenient and fair in his dealings with Mr. Cleveland than you yourself would have been in his stead?—A. Not in that language, Senator.

Q. Or substantially near that?—A. No, sir; not to convey that idea.

Q. What, then, did you say?—A. It was to convey this idea, and it was in this same interview: After the Commissioner had said to me that he would order the closing of this firm at the time that had been

mutually agreed upon between us, to enable me to effect my appeal and get information from the agency—that is to say May 15—I said to him, "Mr. Commissioner"—I want to get as near as I can the language that I used——

Senator BLACKBURN. So do I.

Mr. HUNTER. "Had I been in your place"—I am giving the language as near as I can recollect—"Were I in your place, I do not know but what I would have followed the same line of action that you have." That is about the language.

Q. What time was that?—A. That was April 14; that preceded the appeal. I will not restrict myself to those exact words, but that was about it substantially.

Q. That was after the revocation of Mr. Jackson's license, was it not?—A. I do not understand that Mr. Jackson's license was revoked. I understand that a letter was sent to Jackson informing him that he must either proceed to the active duties of a trader or surrender his license.

Q. Have you not already testified that Jackson's license was revoked and returned to the Commissioner's office in the month of January?—A. No, sir; I did not.

Q. You are sure it is not in this printed testimony?—A. I think so. If it is there, it is there erroneously.

Q. Do you know when Jackson's license was returned to the office?—A. I do not know that it was returned at all.

Q. You do not know that it has yet been revoked?—A. Save what has been said to me——

Q. That is not it.—A. I know this: That the letter contained substantially what I have said; that Jackson must either proceed to the active duties of a trader or surrender his license. I read that in the Commissioner's office.

Q. What date was that?—A. Indeed I cannot recall the date.

Q. Can you give the month?—A. I cannot. If I am not mistaken it was by the courtesy of Mr. Upshaw that I was permitted to read that letter.

Q. But you do not know the month?—A. No, sir; I do not. The letter will show for itself; I cannot give the dates of all those things.

Q. The letter will be produced. Did you, in that or any other interview with Commissioner Atkins, tell him that you hoped he would not feel aggrieved or offended at the appeal you had taken from his ruling?—A. I am fully impressed that I did.

Q. Did you, in that or any other interview, tell him that the only reason you took that appeal was because you could not collect your fee unless you carried it to the court of last resort?—A. I have no recollection of making such a statement. There was a part of what you said that I recall as having substantially said to the Commissioner.

Q. About the fee business?—A. No, sir; not about that.

Q. None of that?—A. I do not recall having made such a remark.

Q. Are you positive that you did not?—A. I am almost positive in my own mind that I never made such a remark to the Commissioner, particularly at that interview.

Q. I said at that or any other interview.—A. What I said to the Commissioner was this, as I recall it: That the instructions of my clients were imperative that I should make this appeal, and that in addition to that fact one of their letters had intimated to me that unless I took such an appeal they would bring an action for damages against me for not making the appeal.

Q. But you said nothing about a fee?—A. Not that I am aware of. I cannot recall ever having said anything to the Commissioner about a fee.

Q. In order to refresh your memory, did you not use language very like this, in an interview with the Commissioner: that you had examined the books and found that you were not able to collect any fee from them for the service you had been rendering them unless you carried it to the court of last resort?—A. Not that I can recall, or by implication, any such language.

Q. Are you positive that you did not use any such language as that?—A. What I recall as having said to the Commissioner of Indian Affairs was that I had examined the books, and that in a case that I found in an Indiana decision I was forced—no, not forced, but that it was advisable for me when my clients resided at a distance to comply with their instructions, as their instructions in such case; after having invited their attention to the matter and placed the whole line of action from my point of view before them, then, if they saw fit to advise me to take another course, it was in a manner obligatory upon me as counsel to follow that advice.

Q. But there was nothing said about the collection of the fee?—A. Not that I can recall of ever having said to the Commissioner of Indian Affairs.

Q. Then you do not remember having said to the Commissioner that that was the only reason you had for taking the appeal, namely, to secure yourself in the fee that you claimed?—A. I do not recall ever having said anything of that kind to the Commissioner.

Q. Are you positive that you did not?—A. I cannot be positive, but I cannot recall it.

Q. I will get you to state when, to your personal knowledge, the Commissioner of Indian Affairs was first apprised of any effort on the part of Jackson to extort terms from Cleveland & Company, either verbally or by written statement.—A. As I have stated in my evidence in chief, I am strongly impressed with the belief that I conveyed that information to the Commissioner of Indian Affairs during the month of September, but I am not so strongly impressed with it as to be able to swear to that fact.

Q. I want a sworn statement now from you as to the first time he was apprised.—A. Then my impression is that the first time the Jackson matter came up, and which induced me to have this doubt in my mind as to September, was on the 17th of December, after my interview with Senator Vest on the 16th of December, in the marble room and corridor attached to the Senate chamber. In that interview with Senator Vest he left the impression on my mind that in an interview had by him, prior, with the Commissioner of Indian Affairs, he had shown to the Commissioner a copy of one of Jackson's letters. But from the conversation passing between the Commissioner and myself on that day, I reached the conclusion that possibly the first information the Commissioner may have received on this matter had been either from Mr. Upshaw or from Senator Vest, and therefore the doubt arose in my mind as to my having conveyed the information to him in September.

Q. That is a very elaborate answer, but it brings me back to repeat my question. Will you kindly now answer my question—for a lawyer surely can understand it. Will you tell this committee when, by whom, and how, for the first time, information was conveyed to the Commissioner of Indian Affairs as to any dishonorable or blackmailing proposals of Jackson to Cleveland, and whether it was so conveyed verbally or in writing and within your personal knowledge?

Mr. HUNTER. Am I to understand by the term "the Commissioner of Indian Affairs," Commissioner Atkins?

Senator BLACKBURN. Yes; Commissioner Atkins. I do not refer to his predecessors.

A. I will answer that by stating that the first time knowledge, what may be termed a full recital of the Jackson affair, was conveyed to the Commissioner was, as I now recall it, on the 31st day of December, the day of the filing of the formal written statement of Mr. Cleveland.

Senator BLACKBURN. That is it, and I am sure you are correct about it.

Mr. HUNTER. I seek, Senator, to be as accurate as I can, without doing an injustice to the Commissioner or my own conscience in this matter.

Senator BLACKBURN. I do not know that I have but one more question to ask you. Did you ever get a list of the men in the Indian service from the Indian Office here?

Mr. HUNTER. I do not understand what you mean.

Senator BLACKBURN. Did you ever get a list of the names and addresses of the Indian traders from the Indian Office, upon your own request?

Mr. HUNTER. I am not aware of having done so since Commissioner Atkins has been in office. I made a request for it, but I do not think it was furnished to me. I did secure such a list during Commissioner Price's administration.

Q. For what purpose did you want it?—A. Simply to send them a circular.

Q. To get to attend to their business?—A. Yes, sir; it was a business circular. I do not think that my request for a list under Commissioner Atkins was complied with, but I made a request for it.

Q. But you made a request under Commissioner Atkins's administration?—A. Yes, sir.

Q. Did you state the reasons why you wanted the list?—A. Not that I am aware of; there was no necessity; it was apparent on its face that I wanted it for my business purposes.

Q. Did you say so to the office when you asked for it?—A. No, sir; I do not recollect that I did. My conversation was with Mr. Osborne, the license clerk at that time. I have no objection, as I see he is present, to Mr. Osborne answering the question. I made a request of him to give me that, and I do not know whether he did give it to me or not, but I do not think he did.

Q. Do you know whether you told him you wanted that list so that you could send out some circulars about this fire-extinguishing apparatus?—A. Possibly I may have done so; it is very probable I did.

Q. You say you do not know when, if at all, the license of Mr. Jackson was revoked and returned to the office of the Commissioner of Indian Affairs?—A. No, sir, further than the information that was conveyed to me in the office, that it was some time in February, and I am fully of the impression that I was permitted to read the letter notifying Jackson that he must do one of those two things, either proceed to the duties of a trader or surrender his license.

Q. But you do not know the month in which that letter was written?—A. I am fully impressed that it was in the month of Februæry; that is my impression.

Senator BLACKBURN. That is all I want to ask.

The CHAIRMAN. I think I will ask Mr. Hunter a single question. You said that you were a member of the Second Infantry?

Mr. HUNTER. Yes, sir.

The CHAIRMAN. Were you an officer?

Mr. HUNTER. Yes; I was an officer.

The CHAIRMAN. What officer?

Mr. HUNTER. I was both a first lieutenant and a captain. I was commissioned as first lieutenant and appointed as captain.

The CHAIRMAN. There was a court-martial in which you were concerned, was there not?

Mr. HUNTER. Yes, sir.

The CHAIRMAN. Will you furnish the committee with the proceedings of that court-martial, and also with any subsequent proceedings in relation to the court-martial.

Mr. HUNTER. I can furnish the subsequent proceedings. I am not aware that I can furnish the proceedings of the court. I have not got them.

Senator BLACKBURN. I have those findings in my hand.

The CHAIRMAN. As I suppose they will come in, will you at some time furnish to us (I do not care for it now) any subsequent proceedings, if there were any, in regard to those findings. Whatever is of record in that matter I want to go in, if any of it is to go into the record.

The select committee then adjourned until Thursday, July 22, 1886, at 10 o'clock a. m.

WASHINGTON, D. C., *Thursday, July* 22, 1886.

The select committee met at 10 o'clock a. m.

TESTIMONY OF ROBERT F. HUNTER—Continued.

Mr. ROBERT F. HUNTER was recalled and his examination resumed, as follows:

The CHAIRMAN. I just want to ask you one question. During your examination on Tuesday something was said about your having been an agent for the sale of hand-grenades, and the question was asked you as to whether you did not obtain from the Commissioner a list of Indian traders upon the representation that you wanted to send them circulars relating to hand-grenades. Now, if you will state in a few words what you have to say on that subject I will be obliged.

Mr. HUNTER. I can state that very briefly. I have been the attorney of the Harden Star Hand-Grenade Company for some eighteen months. During Commissioner Price's tenure of the office of Commissioner of Indian Affairs I secured orders for the company from him.

The CHAIRMAN. You secured orders for the company from him to supply what?

Mr. HUNTER. To supply agencies with hand-grenades. When Commissioner Atkins came into office he likewise gave me orders, as the attorney of this company, for those grenades. After the issuance of some two or three orders of that kind he declined to give any further orders direct from the office unless based upon requisitions made by the agents at the agencies for them. I then asked the Commissioner if he would have any objection to my sending a letter to the agents inclosing the circulars of the company and inviting their attention to these hand-grenades, and he very courteously told me that he would have no objection. Thereupon I addressed these circulars to the agents, and sub-

sequent to that numerous orders were given to me either based upon requisitions that were made by the agents or upon the volition of the Commissioner or acting Commissioner himself. I subsequently thought that I would address a like circular to the Indian traders, and sought a list of the traders from the office, but I have no recollection of ever having received it during Commissioner Atkins's administration. During Commissioner Price's administration I had received such a list, but I supposed that there would be changes made, and for that purpose I wanted to reach the new traders. But I never sent out any circulars to the traders that I recollect.

Mr. CHAIRMAN. Under Commissioner Atkins's administration, you mean; since he has been Commissioner you have not sent any to the traders?

Mr. HUNTER. I have no recollection of having sent any of those to the traders. If the committee desire——

The CHAIRMAN. I do not want to go into the matter at length.

Mr. HUNTER. I have the orders themselves, and they will speak. I would say further to the committee that I am the attorney of this company, representing them before all the departments of the Government, as well as the Indian Bureau and the Department of the Interior, and have secured like orders from different departments.

The CHAIRMAN. Is there any particular difficulty in getting a list of Indian traders without going to the office for it? I do not know how that may be.

Mr. HUNTER. That is the only source that I am aware of from which it can be secured.

The CHAIRMAN. Were not their names published in the Official Register from time to time?

Mr. HUNTER. Not that I have ever seen.

The CHAIRMAN. I did not know whether they were or not.

Mr. HUNTER. I have never seen it. I would like to say further that yesterday I called at the War Department, in compliance with your directions, and I find that I am unable to secure the order I was seeking; that it can only be secured upon an official request made by yourself. I have therefore to request that you secure from the War Department Special Order No. 124, Adjutant-General's Office, War Department, Washington, March 12, 1867, which annuls the proceedings of the court which has been called to the attention of the committee, and that when received such portion of it as refers to myself be made a part of the record of these proceedings.

The CHAIRMAN. Very well; that is all. I want to say this, for General Atkins's information and the information of the committee: So far as I know there is nothing more to be said about this matter of Cleveland & Co. on the part of Mr. Cleveland. But I think this committee ought to investigate some other matters which have been brought to my attention as chairman since the appointment of the committee—I mean the circumstances attending other appointments to Indian tradership and the conduct of other appointees. The committee manifestly cannot do that before the adjournment of Congress. Under these circumstances I should think it fair for the committee to leave to Mr. Atkins the determination of the question whether he would choose to put in his reply now to what has been said in behalf of Cleveland & Co., or whether he would prefer to defer it until the other cases have been brought to the attention of the committee by witnesses.

Commissioner ATKINS. Do you intend that for my reply?

The CHAIRMAN. Yes.

Commissioner ATKINS. I prefer to go on with this case.

The CHAIRMAN. Then of course it will be with the understanding that the committee may take up other cases hereafter, and that it will not be closing the investigation.

Commissioner ATKINS. It is immaterial to me about that.

The CHAIRMAN. I only wanted to give you your option in the premises.

Commissioner ATKINS. Well, I think this thing has been dragging along at my expense sufficiently long, and that I ought to be allowed to make a statement with regard to this case.

TESTIMONY OF J. D. C. ATKINS—Continued.

Hon. J. D. C. ATKINS, Commissioner of Indian Affairs, recalled, and his examination resumed.

Commissioner ATKINS. I regret exceedingly this morning my condition. I have been in bed from a very severe attack of illness from last Saturday until an hour ago. I feel well enough, however, to go on, and I am going on—it doesn't make any difference whether I am well enough or not—if the committee will allow me.

Now, Mr. Chairman, I shall go back a moment and refer to the law which authorizes me to appoint Indian traders. It has been some time since I appeared before the committee on a previous occasion, and I wish to refer to it again. It is the act of August 15, 1876, which reads as follows:

> The Commissioner of Indian Affairs has the sole power and authority to appoint traders to the Indian tribes, and to make such rules and regulations as he may deem just and proper, specifying the kind and quantity of goods and the prices at which such goods shall be sold to the Indians.

That law says that the Commissioner "has the sole power and authority to appoint traders to the Indian tribes, and to make such rules and regulations as he may deem just and proper." One of the rules and regulations is that "no license will be granted for a longer period than one year," &c. Now, sir, under that law, and under those rules, the law passed in 1876 by the United States Congress, and the rules made in pursuance thereof, I presume by the Commissioner then in power, fixing the time at one year, which made it a legal license, there has never been any man licensed for more than one year since 1876 by any Commissioner of Indian Affairs concerning whom I have knowledge.

Senator CULLOM. Have any of them held longer?

Commissioner ATKINS. Never, except by sufferance.

Senator CULLOM. Well, by sufferance?

Commissioner ATKINS. Yes, by mere sufferance or reappointment.

Senator CULLOM. If it will not interrupt you, I will ask a question.

Commissioner ATKINS. It will be no interruption.

Senator CULLOM. How long have they held by sufferance or reappointment, usually?

Commissioner ATKINS. Well, sometimes parties have been reappointed for years and years. When a man holds it by sufferance he only holds it for a few months, if he is not relicensed.

The CHAIRMAN. By "sufferance" you mean that if a man's license is not to be renewed, he is given permission to hold over for a while in order to close up.

Commissioner ATKINS. Yes, and on that I could rest the case. I have violated no law that I am aware of, and nobody has any legal rights,

that I am aware of, inconsistent with that law or that rule or regulation.

Mr. R. F. HUNTER. Will you allow me to ask you a question?

Commissioner ATKINS. No, sir; I will not allow you to ask any questions.

Mr. R. F. HUNTER. I will ask you some before you get through.

Commissioner ATKINS. You will not do it; I will see that you do not. You must keep your tongue to yourself. If you want to speak to me you must speak to me through the chairman.

Now, Mr. Chairman, I want to say that under that law and that regulation I have licensed, I believe, forty-nine new traders—forty-nine, I think, is the number that the clerks have given me—and under that law I have relicensed fifty-seven traders. I have relicensed fifty-seven of the old traders, and licensed, for the first time, forty-nine new traders. I have no comments to make on that action at all.

Now, with reference to this case of Mr. S. M. Jackson. I licensed him in July. But before I take up that case I will make one more remark. As I said the other day, when I came into the office I had two ideas about licensing Indian traders. I did not know which I would do, throw the business open to competition generally, or to adjust a limited number of licensed traders at an agency in proportion to the amount of trade, and the question with me at first was what amount of trade should be allowed to one trader, and it was suggested that $50,000 would be a reasonable amount, considering the rates of per cent. which I had fixed (I have here a copy of that circular) that they should not exceed.

The CHAIRMAN. If you have a copy of those rules you may put it into the record.

The following is a copy of the rules referred to:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, October 5, 1885.

SIR: In order to effect a more thorough and satisfactory system of governing trade with Indians, abating existing evils, and enabling the Indians to be furnished with such supplies as they may need for their sustenance and comfort at fair and reasonable prices, the following rules and regulations are made for the guidance of licensed traders, and it is expected and required that a strict compliance with them will be faithfully observed.

The number of licensed traders at the various Indian agencies will be restricted to such number as will permit those licensed to comply in good faith with these rules, and any failure so to do must be promptly reported by you in order that the license of the offending trader may be revoked.

RULES.

1. Licensed traders will furnish (through the agent) on the last day of each month the original invoice and bills of lading of all goods purchased during the month, or a copy of the same, certified to before the Indian agent.

2. Licensed traders must not introduce or offer for sale in the Indian country any description of wines, beer, cider, intoxicating liquor, or any compound composed in part of alcohol or whisky, nor breech-loading fire-arms or fixed ammunition of any description.

3. Licensed traders must not charge the Indians for goods and supplies furnished them any higher rates than are hereinafter enumerated, the expense of transportation to be first added to the original cost of the goods—

On dry-goods, including blankets, woolen goods, shawls, hosiery, bed-quilts, cotton goods, yarns, &c., 25 per cent.

On ready-made clothing, including underwear, 30 per cent.

On boots and shoes and rubber goods, 30 per cent.

On hats and caps, 25 per cent.

On notions, including beads, twine, gloves, &c., 35 per cent.

On groceries, including canned goods, an average of 20 per cent.

On crockery, lamps, and glassware, 25 per cent.
On furniture and wooden ware, 25 per cent.
On harness, saddles, leather, &c., 25 per cent.
On miscellaneous articles, including clocks, sewing-machines, churns, brass kettles corn-shellers, fanning-mills, feed-cutters, &c., 20 per cent.
On all kinds of agricultural implements, 20 per cent.
On flour, meal, grain, &c., 20 per cent.
On wagons and wagon fixtures, 20 per cent.
On paints and oil, 30 per cent.
On stoves, hollow-ware, tinware, stamped ware, 25 per cent.
On hardware, including nails, glass, grindstones, rope, horseshoes, &c., 25 per cent.
On patent medicines, the regular established retail price.
The prices of all articles not named above will be fixed after the invoices and bills of lading have been submitted to and examined by this office.

4. At least three written or printed copies, each in English and Indian, of all the leading articles kept on sale, with the price of each article, must be conspicuously posted about the agency (one copy of same in each trader's store).

5. The quality of all articles kept on sale must be good and merchantable, and not inferior to the quality furnished the Indians by the Government.

The Indians should be given to understand that the above rules are to be enforced in order that they may be enabled to obtain goods at as low rates on their reservation as they could off their reservation, and that whenever they obtain goods of the licensed trader on credit, they are expected to pay for the same promptly, in the manner and at the time agreed upon.

All traders' weights shall conform to either Fairbanks or Howe's scales.

No trader, in taking up a check belonging to an Indian, shall for any balance due the Indian, after settlement, give him a promissory note, due bill, or evidence of indebtedness for the balance due said Indian, but shall pay the balance due in cash to the Indian.

J. D. C. ATKINS,
Commissioner.

Commissioner ATKINS (resuming). On reflection, I began to reduce the amount from $50,000 worth of goods to be allowed to one trader, to $40,000, in my own mind and in discussion with my clerks, and then I reduced it still further to $30,000, or $25,000 to $30,000, and even then where there was one trader I preferred to have two. I wish to make that remark. Now then I licensed Mr. Jackson in July, 1885, and here is the letter licensing him.

Senator CULLOM. It is a license to whom?

Commissioner ATKINS. It is licensing S. M. Jackson, the brother of Senator Jackson and General Jackson, of my State. Here is the letter, which I shall put in, and I am willing to read it now if it is desired.

The CHAIRMAN. If you are not feeling well, at any time that you wish to be excused the committee will excuse you.

Commissioner ATKINS. Thank you, but I prefer to go on; if I had not, I should not have come before the committee to-day at all. This is the letter licensing Mr. Jackson.

Commissioner Atkins then read the following letter:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., July 23, 1885.

DEAR SIR: Inclosed please find license this day granted you to trade with the Indians of the Kiowa, Comanche, and Wichita Agency, at Anadarko, Ind. T., for the term of one year.

Referring to the question in your letter of the 18th instant, "when the licenses of the present traders would be revoked," permit me to reply that I have not as yet fully concluded how many licenses should be permitted at the Kiowa, Comanche, and Wichita Agency. While it is true that the amount of business which can be done upon an Indian reservation "is limited," still I am credibly informed that the amount done now at this agency is about $180,000 per annum, with a gradual increase.

This is a much larger business than this office supposed, and the good of the service would seem to require more than two licensed firms.

A final determination of this point will be reached at an early day.

Very respectfully,

J. D. C. ATKINS,
Commissioner.

Mr. S. M. JACKSON,
Dyersburg, Tenn.

Commissioner ATKINS. I had been pressed by some gentlemen to grant another license at that place, and had consented to license another man, a man named Jacobs. Directly after I agreed to license him, I was applied to to license a man by the name of Harris and a man by the name of Stone, parties who, up to that time, I had not known (and I do not know that I ever did see Harris) who lived at Milan, Tenn. I agreed to license them with Jacobs, and while I am on that Jacobs business I will finish it. They went out with Jacobs, and it was perfectly apparent that Jacobs was a fraud. He was not the man that I supposed he was and as had been represented to me by his father-in-law, Judge Bond, and other parties. Finding that he was a fraud and that he had acted in bad faith after he got out there with these parties, as they alleged, I communicated the fact to Mr. Bond, and finally over the entreaties of Mr. Bond and other parties I revoked his license, and did that, I believe, in August—August 26 I think was the date that I revoked his license. I licensed two other parties at this Anadarko Agency, Mr. Sneed and Mr. Colyer. They were personal friends of mine, and they are amply able to run their business, and I have never heard a word against them. They are now in business at Fort Sill.

Up to that time, the time that I had licensed Mr. Jackson, I had never seen him. I left Washington in August, 1885, to take a trip home to recuperate myself. The very day that I got home I heard a very ugly rumor with regard to Mr. Jackson, and it was that I alluded to the other day, very incidentally——

Senator COKE. What time was that?

Commissioner ATKINS. That was in August, 1885. The rumor was that Mr. Jackson had sold his license for $8,000. How I heard it and from whom I heard it I do not know, I met so many people on my return. But I heard it either on the road or at my home. That very day, however, that I got home, Mr. Jackson was in my town, or arrived in my town. I had never seen him and did not know that he was within hundreds of miles of the place. He called to see me, and I told him very promptly what I had heard. He indignantly denied it. I said to him, "Mr. Jackson, if it were true that you had offered to sell your license, or to make any dishonorable use of your license in any manner, it would not do you"—for I remember the words well—"it would not do you, nor the party to whom you sold, any good whatever, for I would revoke your license instantly." He denounced it as an infamous lie. I saw nothing more of Mr. Jackson during my stay in Tennessee, and I returned here, I presume, in August. About the first of October it was decided by the President and by the Secretary of the Interior that it was important for me to make a trip West with a view of visiting Indian agencies, and about the 5th of October, I think, I started; I think so. Mr. Andrews (who sits right there) had charge of the traders' desk when I came in——

Senator CULLOM. In your office?

Commissioner ATKINS. Yes, in my office—and he called my attention early in April to C. A. Cleveland and & Co., for I had told Mr. Andrews, said I, "Mr. Andrews, I desire to revoke the licenses of any parties who have acted badly or that you do not think ought to stay upon the reservation, of course giving me the facts and I will be the judge." He told me that C. A. Cleveland & Co. ought not to be relicensed. I asked him why not. Well, he did not want to say much. He said, "Mr. Commissioner, you can look at the papers yourself." But I pressed him, and he said that he had been guilty, in his judgment, of bad

faith to the man that he sold to, Mr. Reynolds, and that there were other charges against him. "Very well," said I, "Mr. Andrews, you keep this in mind. I do not want to revoke anybody's license, for I do not want any man to lose money, but I do not want any man to be exploited upon by any person that I have appointed." That I have said in the presence of my clerks dozens of times. "Now," said I, "call this to my attention along in the fall, and I will look to this case." Well, I remembered it. He called my attention to it again during the month of April or the first days of May, because he called my attention to it twice before I went to New York, and I opened the bids in New York on the 5th of May, and left here on the 4th of May, 1885. When I was about to start West, I remembered this case, and without thinking of Mr. Jackson, or thinking of anybody else, I issued an order notifying Mr. Cleveland that when his license expired, which would be the first day of February, 1886, I would revoke his license.

Senator BLACKBURN. You mean you would not reissue it?

Commissioner ATKINS. Yes. Not that I would revoke it, but that I would not reissue it. That order was issued. I went home, and on my way home I met Mr. Jackson again—for I desire to tell everything I know about this matter—I met Mr. Jackson on the car accidentally, and we had a long conversation on the subject of this tradership, though I have no recollection of it in the world except that he asked me to allow him to open there the 1st of December or the 1st of January. Feeling that his absence with a stock of goods from the agency would be no detriment to the traders there, I told him that would be all right. I went on West. I returned about the middle of November, possibly the 12th; I do not think earlier than the 12th, but the record will show. I am sure that it was not earlier than the 12th of November. In the mean time Mr. Upshaw, acting as Commissioner, or being the Acting Commissioner, to express it more elegantly, wrote Mr. Jackson this letter:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, November 5, 1885.

MY DEAR SIR: Will you please advise this office at once as to what time you intend to forward your bond and commence business as trader at the Kiowa Agency.

Some time has elapsed since your appointment, and, as the licenses of the old traders have been revoked, it is necessary that you commence your business there at once.

Very respectfully,

A. B. UPSHAW,
Acting Commissioner.

Mr. S. M. JACKSON,
Nashville, Tenn.

Commissioner ATKINS. Now, sir, I thought no more of Mr. Jackson. It is not true, as was intimated the other day, that my attention was called to Mr. Jackson's having made improper proposals to Mr. Cleveland in September. That is not true; and the statement that I made a moment ago that I had understood in August that he had sold his license for $8,000 was in no connection with Mr. Cleveland's name at the time I heard it, or ever, so far as that is concerned.

The next time this subject came to my attention, that I remember, it was brought up by Senator Vest, who seemed to be an ardent friend of Mr. Cleveland, or, rather, an ardent advocate of Mr. Cleveland's being relicensed, I suppose on account of the influences of his friends (Mr. Vest's friends) in Saint Louis, who, perhaps, were creditors of Cleveland. I expect that was the way of it; however, I do not know; Mr.

Vest can tell that himself. Mr. Vest called upon me and asked me to relicense Mr. Cleveland. I told Mr. Vest that Cleveland's record was not such that I felt justified in doing it. Although I had up to that time never examined his record I had heard about it from Mr. Andrews. Mr. Vest persisted in his desire for me to relicense Cleveland. I told him I could not do it, and I gave him as an additional reason why I could not do it that I had appointed two traders, granted two licences for that place, and that I then expected to continue Mr. Brown there, at the instance of Senator Beck and others, and I expected to continue Mr. Fred there, at the instance of Mr. Tucker and Mr. Eppa Hunton, and that I did not care to put more than four traders at that place; that I had licensed then Jackson and these men Sneed and Colyer, making four that I expected to have at that place.

Senator CULLOM. Were Jackson, Sneed, and Colyer all one firm?

Commissioner ATKINS. No, sir; Jackson by himself, and Sneed and Colyer together. He urged it and I declined to do it. He then asked me to license Cleveland with Jackson. I said I could not do that without Jackson's consent. He wanted me also to license Reynolds. I told him I could not do it, and although there were no charges against Reynolds, I did not expect to relicense him, for there are a good many persons that I have not relicensed again whom there were no charges against, so far as that is concerned. He asked me and urged me to relicense Cleveland with Jackson, or Reynolds with Jackson. After much conversation—for I suppose the interview lasted half an hour--I finally said to him, "Well," said I, "Mr. Vest, the very best I will do will be to license Mr. Jackson with Mr. Cleveland or Mr. Reynolds; but," said I, "I do not want to do it; but I will not do that without Jackson's consent, because I have given him a license and I do not intend to be acting in bad faith towards him about it." Mr. Vest then went off. That very day Senator Jackson came to my office. I told him what I had said to Mr. Vest, and he said to me that he was sorry I had done so; that his brother had made arrangements to go into business. That very day also some one else—who I do not remember, but it is remembered by the clerks of the office—called to see me and protested against the appointment of Mr. Cleveland, having heard of it in some way or other. Perhaps I told them.

The CHAIRMAN. When you say it was remembered by the clerks, do they remember who it was?

Commissioner ATKINS. No, sir; they do not remember, and I am sorry that they do not. But then my attention was called to Mr. Cleveland's record again. I was very much engaged, and am always engaged until I get through with business, because I make every day's business wind itself up as near as I can; but as soon as my business was wound up, at 4 o'clock, I addressed a letter to Senator Vest that very day, saying to him in substance just what I have said here, I think.

The CHAIRMAN. Have you a copy of that letter?

Commissioner ATKINS. I have not, and I regret that I have not; but I invite you to ask Senator Vest to lay that letter before you, if he has it. It was on that very day, the very day that I had the interview with him, that I wrote the letter, and it reached his house before the sun went down, for I was in a hurry about it, and the clerks in the office know the fact to be true. It did not reach Senator Vest that day, so the messenger told me. I sent it by Willis Smith, and he did not deliver it; he did not see him. I think it was delivered the next day, and on Monday—I think it was, or the second day any way (I think this was

Saturday)—on the second day after I wrote that letter to Senator Vest, he came into my office and seemed to regret very much what I had written.

Senator CULLOM. You mean Senator Vest did?

Commissioner ATKINS. Yes, sir. He had gotten the letter in the mean time. He seemed to regret very much what I had written to him. I told him that it could not be helped; that I had made up my mind deliberately not to relicense Mr. Cleveland. In that interview I had with him on the 5th of December, I think I did say to him that I had heard that he had a herd of cattle upon the reservation, but that was not the only reason, by any means, that caused me to make up my mind; it was his record in the office, to which my attention had again been called.

The CHAIRMAN. But which, I understand, you had not seen up to that time?

Commissioner ATKINS. I do not think I had ever seen it. I may have seen Mr. Moller's letter, but I do not think I had ever seen all the record in the office; I do not think I had.

When Mr. Vest came back I asked him, said I, "Did you write to Mr. Cleveland or did you telegraph him that I had, in an alternative, conditionally consented to license him with Jackson?" He said, "No; I did not." "Then," said I, "no harm is done." Now, that was the second day. It could not have been as late as the third day after I wrote the letter to him, and after the interview. Senator Vest writes his other letter on the 12th as though that was the first time he had heard. Perhaps in the rush of business on his mind he had forgotten. I do not pretend to impeach Senator Vest's memory or to impeach his veracity, or anything of that sort, but I just simply mean to say that he called the second day after I wrote that letter to him, and I suppose it was December 5, because that letter to his friend was dated December 5, and he referred to that conversation on that very day, and it was that very day I wrote the letter, not five hours after I had the conversation with him. Senator Vest, in his second letter (as the committee knows, and it is not worth while for me to talk about that), expressed his great surprise, astonishment, and regret, and so on, as I understand it, that I should not have licensed Jackson with Cleveland or Reynolds, or that I did not stand up to my promise. I say here, now, distinctly, that I did not tender Senator Vest a partnership with Jackson. He requested it. If you read his letters they will sustain that statement, and I have no doubt Senator Vest will sustain it on his oath. He appeared as the friend of Cleveland, and the anxious friend of Cleveland.

I do not remember that anything else occurred about this Cleveland matter until towards the close of the year, when Mr. Cleveland and Mr. Hunter, his attorney, came into my office, the last days of December or the first days of January. Mr. Hunter says in his testimony that Mr. Cleveland was there with him two or three times in January. Mr. Cleveland says in his testimony that he was there two or three times in the last days of December, 1885, and the first days of January. He said in his first day's testimony, as I understood him, that he had never been in my office but once. But be that as it may, he came to my office twice and only twice, that I have any memory of, and the first day he sat on the sofa, over to my right, and had little or no conversation with me.

On the second day he came into my office, and each time he came with Mr. Hunter, according to my recollection, and in that conversation, standing between my desk and the fire-place, he detailed to me the fact that Mr. Jackson had offered to put in his license with him, and for him

to do the work and furnish the capital, and that Cleveland and Jackson were to divide the profits, he putting in no capital. But before he got out of his tracks, I stated to him that was a very remarkable circumstance, for Judge Jackson had told me that Jackson had the means and the credit to run a store, and Jackson himself so represented himself as having the means and credit to run the store. I said, "That is a very remarkable statement." He had not moved out of his tracks before he proposed that I license him and Jackson together. Said I, "Sir, you utterly discredit yourself. You stand here and make a charge that you consider dishonorable, and then ask me to license you with a dishonorable man, and you utterly discredit yourself, and your charge against Jackson does not weigh a feather with me, sir." And I said it to him in just that energetic style, and the interview terminated tolerably hastily, I can assure you, then and there. He filed a statement at the same time. He says I read it. I did no such thing. I never read as long a paper as that scarcely in my life, in my office; I have not time generally to do it.

The CHAIRMAN. Did he file his statement before or after that?

Commissioner ATKINS. He filed his statement then.

The CHAIRMAN. With reference to the conversation which you have just detailed, was it before or after that?

Commissioner ATKINS. It was afterwards; just as he left, I think. It was all in a brief space of time, almost less than I have taken to detail it, because it was pretty epigrammatic, I can assure you.

Now, sir, he filed his statement which I have somewhere—here it is That statement was sent over immediately to the office.

The CHAIRMAN. What do you mean by "to the office"?

Commissioner ATKINS. Across the street to the place where the Indian records are kept. I keep no records at all, my office is in the Interior Department building, the Patent Office building, as it is called, and the Indian Office, its records, are kept over in the Second National Bank building, opposite the Post-Office Department building, on the other side of the street from my office and about a hundred yards from it. I keep no records except it is my own private letter book, that I know of. This was filed and sent over. This is his charge against Jackson. Here is the paper, and I will ask Mr. Osborne to read it.

The letter referred to is as follows:

WASHINGTON, D. C., *December* 28, 1885.

SIR: I have the honor to herewith submit for your consideration a statement setting forth propositions from Mr. S. M. Jackson, of Dyersburg, Tenn., to myself (C. A. Cleveland), of the firm of C. A. Cleveland & Co., of Anadarko, Ind. Ter., and others.

Mr. Jackson, some time the forepart of July, came to Anadarko, Ind. Ter., with a license granted by yourself to trade with the Kiowa, Comanche, and Wichita tribes of Indians. Mr. Jackson, while there, offered me a partnership interest, he furnishing license and I, C. A. Cleveland & Co., the capital, experience, established business, and credit. Mr. Jackson held out that others were ready to furnish and were willing to take a partnership with him in case we did not; he also showed me a letter signed by your honor, in which was stated that he (Mr. S. M. Jackson) and *one* other had been granted a license to take the place of the "old traders" at the Kiowa, Comanche, and Wichita Agency.

We declined this proposition as not being a *fair* or *just* one, but told him we would sell him our stock and trade, &c. He then said that he had no ready money, but could get all the goods on "time" that he wanted, but would much prefer to have us take an interest with him, as above proposed. Mr. Jackson left Anadarko, Ind. T., for Dyersburg, Tenn. Some two weeks after we got a letter from him asking us to make him a proposition for partnership. This we declined to do, but said, as he said he was to be at Anadarko some time in August, we decided to wait until his arrival. He did not come, or did he let us hear from him after July 29, 1885.

On October 5, 1885, your honor notified me that at the expiration of my license

...

(February 1, 1886) I need not expect to have it renewed. Some time in December I went to Saint Louis on business. While there I found that Mr. Jackson had stated, or caused to be stated, to some of my friends, as he had previously stated to me, that he would form a partnership with me, he securing the license, I furnishing all the capital, do all the work, and give him *one-half net* profits, and, in case of failure on my part to accept this proposition, I would not be permitted to trade on the reservation, he in this connection frequently referring to his influence with you and ability to force my removal from the tradership. Further, he (Jackson) authorized Thomas J. Henly, of Saint Louis, his father-in-law, to submit and make to me the same proposition, which he (Mr. Henly) did, also telling some of my friends to tell me what Mr. Jackson was willing to do, so as to be *sure* that I should be notified of his terms and conditions. I came here a few days ago. After my arrival I wrote for information to Thomas J. Henly, who forwarded my letter to Mr. Jackson. Up to date I have not heard from him. I am now here to urgently request an early favorable answer to my application for a renewal of license. I have the honor to herewith inclose bond for faithful observance of all laws.

I am, very respectfully, your obedient servant,

C. A. CLEVELAND.

Hon. J. D. C. ATKINS,
Commissioner of Indian Affairs, Washington, D. C.

The CHAIRMAN. How is that letter indorsed?

Mr. OSBORNE. The indorsement on the back of the letter which came with it reads, "R. F. Hunter. City. December 30, 1885." This is a letter filed by Mr. Hunter with the letter sent by Mr. Cleveland. There is no indorsement on the letter I have just read.

Commissioner ATKINS. This is the indorsement the chairman refers to. It says, "121. Office of Indian Affairs. Received January 2, 1886."

Senator CULLOM. Is there not an indorsement on the back besides that?

The CHAIRMAN. Nothing but the briefing by the clerk as to what it is, and the stamp.

Senator CULLOM. I thought Commissioner Atkins wanted to fix a date by it.

Commissioner ATKINS. I wanted to fix the date when it was filed, and I have no doubt that was the date on which it was laid on my desk. The date it was filed with me was, then, the 2d of January, when it was sent to the office, and I have no doubt that was the day it was placed on my desk. If it was upon my desk before that I did not know it.

Now I want to say that is the only time that Mr. Jackson's bad faith, as it is called, was ever brought to my attention by Mr. Cleveland or any of his friends. That was the time. If it was ever brought before that I have no recollection of it.

On the 31st of December, 1885, Mr. Jackson, as I have told you before, having said that he would open his store by the first of December or the 1st of January, had this telegram sent to him:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., December 31, 1885.

S. M. JACKSON, *Dodge City, Kans.:*

Telegraph immediately whether and at what time you are going to commence business at Anadarko.

J. D. C. ATKINS,
Commissioner.

Commissioner ATKINS. On the 9th, Mr. Jackson writes from Memphis, Tenn. It seems that he was traveling about as a commercial tourist. He writes on the 9th of January, 1886, this letter, which I will ask Mr. Osborne to read.

The CHAIRMAN. Is that the original letter or a copy?

Commissioner ATKINS. It is a copy, but the original is in my office, from Mr. Jackson.

Mr. Osborne read the letter as requested, which is as follows:

GAYOSO HOTEL, MEMPHIS, TENN.,
January 9, 1886.

DEAR SIR: Please let me know if you are willing for me to put a gentleman in charge of my business at Anadarko. He will be a partner, and a number one man. I don't want to go out myself until about June or July, if I can arrange it, on account of my wife's health, who is spending the winter in Florida. She is suffering with consumption and there is no telling what time I will have to go down to see her, as she is not improving. If I were to go out to the Indian Territory and leave her in Florida, in case she should grow much worse, it would take two weeks to hear from her.

The party I will take in will be perfectly responsible. Hoping to hear from you soon, I remain,

Yours, very respectfully,

S. M. JACKSON,
Dyersburg, Tenn.

Hon. J. D. C. ATKINS.

The CHAIRMAN. Now read the letter in answer to that.

Commissioner ATKINS. As soon as his letter got here, it was answered.

Mr. Osborne then read the following letter:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, January 14, 1886.

SIR: In reply to your communication of the 9th inst., I have to say that it is an established rule of this office that a licensed trader shall live upon the reservation and conduct the business personally.

This office has been subjected to much adverse criticism on account of the newly appointed traders, in not requiring them to go at once to the trading posts and open their stores or forfeit their licenses.

I regret that the illness of your wife will prevent you from going to the agency, but in view of the fact that your case has been specially mentioned as an instance of partiality on the part of this office, I do not feel justified in granting your request, and must insist that you go at once to the post and open your store in person, or return your license and make way for some one who can do so.

Your license was issued about six months ago, and the licenses of the old traders have been revoked upon the expectation that the new traders would take their places at once. The needs of the Indians require that they be relicensed or that the new men take prompt steps to begin business.

Very respectfully,

J. D. C. ATKINS,
Commissioner.

S. M. JACKSON,
Dyersburg, Tenn.

Commissioner ATKINS. To that he made a reply, and I have here my reply to him.

The CHAIRMAN. Have you his reply?

Commissioner ATKINS. I have not.

The CHAIRMAN. Is it in the office?

Commissioner ATKINS. I do not think it is; if it is it shall be produced.

The CHAIRMAN. But you have not found it?

Commissioner ATKINS. No, sir; I have not. I cannot keep all the letters, but this letter of mine shows what it was.

Mr. Osborne read the letter referred to as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 23, 1886.

DEAR SIR: Your letter of inquiry received. If you desire to form a partnership the names of all members of the firm should appear in the license.

You were instructed in office letter recently that you must go to the reservation,

and make your arrangements to open your store by February 1. I must insist upon this, as a further extension of the old traders cannot be granted.

You can forward your new bond, and open your store under the old license. The new license will issue as soon as the bond is approved.

Very respectfully,

J. D. C. ATKINS.
Commissioner.

S. M. JACKSON,
Dyersburg, Tenn.

Commissioner ATKINS. In response to that letter he returned his license and quit, and that is the end of that case, so far as that is concerned.

Now, sir, not feeling any disposition to treat Mr. Cleveland unfairly or unjustly, I said to his friend, his attorney, that I would allow him to trade at sufferance after the 1st of February, his license having expired on that day or on the day before, and I did so allow him to trade. But his attorney became very importunate with regard to the matter, and before I knew it appealed the case to the Secretary, and what the Secretary had to do with it I do not know; he has no power over the question under the law. And from there it went to the President, and what the President has to do with it I do not know, under the law, except that they both have to do with me if I should maladminister my office, which I readily grant. But, so far as granting him additional time, or licensing him, or revoking his license, or anything of that sort, they have no more to do with it than the Czar of Russia has, as I understand the law. I am speaking respectfully, of course, for I have the highest respect for both those officials. He appealed the case, and it went up to the President, and was returned to me without any comments at all of a written character. I went off to New York—but I am a little too fast. The last time that I was called upon by the attorney of Mr. Cleveland, Mr. Hunter, who sits just there, he said, "Is this final? The case has been appealed to the Secretary and to the President, and the papers returned to your office. Is that the end of it?" I said, "It is, so far as I am concerned; so far as the Indian Office is concerned that is final; that is, the end of it." "Well," he said, in a very complacent manner, "Mr. Commissioner, I cannot ask anything more. You have treated Mr. Cleveland with the utmost clemency—with far more clemency than I would have treated him had I been commissioner." He said: "Mr. Commissioner, all I have been doing in this matter has simply been to secure my fee." He said: "All I have done and all I may do hereafter has been and will be to secure my fee, and I trust, Mr. Commissioner, that you will not think hard of me." Said I: "Certainly not; secure your fee if you can." And I supposed those resolutions were put into the Senate for the purpose of enabling this gentleman to secure his fee; I supposed that was his motive.

Now, then, I will come back. I felt, as these things had been pressed, that I had better look up the record of Mr. C. A. Cleveland, and see if I had possibly made any blunder in regard to him. So I went back and took up his record, and I have it here before me, and, sir, the first thing I call your attention to is the report of Special Agent Folsom, under the old administration, in which he speaks in very discourteous or rather unfavorable terms of Mr. Cleveland.

The CHAIRMAN. You had better read it.

The report referred to was then read by Mr. Osborne, and is as follows:

KIOWA, COMANCHE, AND WICHITA AGENCY, IND. TY.,
November 19, 1884.

SIR: In relation to the complaint of C. A. Cleveland, trader, inclosed with your letter of June 8, "C. 12681–'84" herewith returned, I have the honor first to ask your

careful attention to the underscored section of said complaint, found on page 2, which reads:

Now, mark the action which followed. As soon as these chiefs had left, a young man was sent by the mob directly to D. P. Brown's store, from which he soon returned with money, which was thrown on the ground at my place of business; the hides bought and paid for by myself forcibly taken from my yard and carried directly to the store of D. P. Brown."

Taking the common English of this sentence, I understand it to convey the impression that after certain chiefs left the vicinity of Cleveland's store that "the mob" communicated with a young man and sent him to Brown's store to get money of said Brown, which was brought and "thrown on the ground at my place of business," and was to pay for hides already sold to Cleveland that day, the price of the hides being then returned to Cleveland, so that they could be taken elsewhere and Mr. Cleveland be cut off from the profits of the hides; that these hides were then taken "directly to the store of D. P. Brown," and sold to him under some previous arrangement with said Brown; and also that there were many hides thus forcibly taken and carried to Brown, and paid for with money previously received from said Brown.

I put Mr. Cleveland under close questioning on oath, and invite your careful attention also to the result of it. (Inclosure A.) Cleveland admits he only saw the young man referred to go "towards" Brown's store; that he did not see him go in Brown's store. I can myself walk from Cleveland's store to Brown's and back very easily in five minutes, and "twenty minutes" would give an Indian time to go a long way and back, especially on horseback, or time to talk with other Indians near Brown's store. This money, the value of only one hide, as it turns out, was "thrown on the ground," as sworn to by the same person who signed that statement; the money was actually only "tossed on the counter in the store," only "about eight feet" from Mr. Cleveland himself, and his attention was called to the act.

These "hides" then "bought and paid for," and "forcibly taken from my yard," with money implied to have been obtained from Brown, under oath of this same man again, were actually and only but one; the money was not thrown on the ground, and it did not come from Brown.

On page 5 of complaint you will find recited, "Now, in view of the fact that all the hides that were thus forcibly taken from my premises and possession were taken directly to D. P. Brown's store (with but one exception) and that said Brown furnished the money to the Indians in advance of the delivery of such hides to him"——

These "facts" fall and disappear under the examination Cleveland was subjected to under oath. He "has no personal knowledge of the same."

Great stress is placed upon "the mob." The complaint recites, page 2, some "did not propose to submit to arbitrary, illegal, and tyrannical action and orders of these young men;" "by this high-handed, illegal, unwarrantable, and outrageous conduct;" "all of the hides thus forcibly and violently taken from me." Page 4, "several of them (Indians) offered to take their hides to camp and hold them for me till the mob went away, but as the weather was warm, and the hides liable to spoil on their hands, and not wishing to cause them any loss, and seeing how perfectly useless it was to contend with a mob composed in part of policemen and headed by the captain of the police;" "during the trouble Sankadoty (captain of police) put in his appearance; I accused him of concocting the whole scheme;" "assisting the mob in their riotous work." Page 5, "but Sankadoty (chief of police) got on his horse, rode among those composing the mob, affiliated with them," "remained with them, laughing and talking with them for about two hours."

Cleveland's "salesman and interpreter" under oath (inclosure B), page 2, destroys all the force of this vehement language, as follows: "The names of the Dog soldiers engaged in preventing said Cleveland from buying hides were as follows: Quoke, Pantah, Konad. The policemen's names were Takeahke and Kantebone. The above-named parties have always been very friendly toward the trading-house of C. A. Cleveland, also his clerks. They have been allowed to purchase goods on time; owed C. A. Cleveland at the time they prevented him from buying hides. Tokeahke and Konad came after the trouble was over, paid their indebtedness, and traded about $6 in the store of said Cleveland. Above-named Indians have always behaved themselves, with this one exception. Seemed just and friendly one hour after the trouble was over as they were before."

Sankadoty is made a conspicuous man in the mob, in the complaint; as sworn to he was not in "the mob"; his name is not among the "five", and in the foregoing quotations from the complaint he is charged with being the leader, and in it as well contradicted. "During the trouble Sankadoty put in his appearance;" "rode among them laughing and talking with them." These sentences do not appear well together.

It will be remembered that there was a serious trouble between D. P. Brown and W. H. Cleveland, now "salesman and interpreter" in C. A. Cleveland's store; said W. H. Cleveland represented Mrs. Hutchins. That bitter feeling exists to-day at the same white heat it did at the time of dissolution of partnership between Brown and

Hutchins. Whatever may have been the merits or demerits of that case, it should not enter this.

But it will be seen how smoothly and adroitly the complaint runs into a direct charge against Brown, and how skillfully a foreign circumstance is wrought by the most extravagant and untruthful language into an attempt to sink Brown.

After the admission of the Clevelands it was hardly necessary to obtain a statement from Brown, but I did so, to show up the whole business. This statement under oath (inclosure C) is unqualified. I ask its careful perusal.

In my judgment the case of the Clevelands rests here. Mr. Cleveland has stated what is not so, or, in plainer language, he has committed himself to a cold, callous, contemptible misrepresentation of facts; lies cut out of whole cloth without patch or picee And his own self-conviction is further shown and supported by sworn statements of his brother and D. P. Brown.

In regard to the policemen, there were only *two* in the fracas, admitted by W. H. Cleveland, as above, and at the time there were twenty-five or thirty on the force; that the police is poorly organized and instructed is true, but not their fault. They do well—wonders—for their advantages.

But report was made to the acting agent, Clerk Kuhn (inclosure D). It was Kuhn's duty to go to the scene of action at once, and blame should not be attached to the illy-instructed police; but I think Mr. Kuhn should be severely reprimanded for failing in his duty, as well as the agent for not effecting a better discipline of his police force.

That "Brown, Sankadoty, and Jones" were *not* "riding together through the camps," on the evening of the 25th of June, just prior to the trouble, is abundantly proved, and language is used here again which entirely misleads the reader.

On page 5 of complaint is found "and from the fact that D. P. Brown, in company with J. N. Jones and Sankadoty, was seen the evening before the raid on me occurred, riding through the Kiowa camps conversing with different Indians, and from the fact the young men went directly from my store to that of D. P. Brown's, got the money to repay me for the hides I had already bought from my customers and paid for, I am fully convinced, and therefore charge that D. P. Brown was an accessory party to the whole affair, and had a previous understanding and agreement with the Indians in regard to the matter." I again first refer to "B" and "C" to show how utterly untrue the facts are, and upon what a flimsy foundation Cleveland builds his attack upon Brown. As for Brown, Jones, and Sankadoty "riding through the Kiowa camps conversing with different Indians," this also is a miserable misrepresentation and perversion of facts. There is one main roadway here, from one end of the town to the other. Passing along this road (there happened to be a few tents on each side of the road, some distance from it, out of the line of conversational communication) is put down as "riding through the camps conversing with different Indians," while those communicated with, as shown by the oaths of both sides, were actually at but one tent on a side road, about ponies, and the parties accused were not together.

The inclosures E testify to stopping at one place only, and it was dusk, after tea; and in my presence Mrs. Cleveland was in doubt as to her ability to swear to the identity of Sankadoty. In their desire to spy out and connect Sankadoty and the police with Brown, and afterwards to attempt to connect Brown with the trouble, they found extraordinary vision, and were simply mistaken, to say the least. I went all over the ground, was at the window where the ladies watched, and I would hardly be willing to swear to the identity of Sankadoty at that distance in broad daylight, and I know him well.

The attempt to convey the idea that these parties were going from one camp to another to influence Indians in the hide trouble of the day following is a lamentable failure.

In conversations with the Clevelands, they labored to impress me with the rascality of Brown, forgetting the beam in their own eyes.

I submit other papers—"F" showing that the Indians did not like Cleveland, and out of that dislike they shut off the hides one day. This summary action was decidedly wrong, and it will probably never occur again. It was more of a boys' freak than anything else, and it was all over in an hour or two, and the Indians were as good friends as ever. I have taken great pains to show that it was wrong, and have talked to the chief Indians about it; but it was not so serious as alleged, only five taking part in it; only two police out of twenty-five or thirty, and it was taken advantage of in a base attempt to stab an enemy and to deceive and prejudice the office in a shameless manner.

Sankadoty informed me that W. H. Cleveland told him the very next day he was a good friend of his, and sought by presents of tobacco, crackers, dates, raisins, and a shirt, and by solicitations, to smooth over the trouble, and W. H. Cleveland admitted it when charged by me. In fact, he wrote me a note, copy marked G, asking to have the investigation stopped, when he found it would in reality be "impartial." His excuse is very weak, as will be seen. Instead of the Indians making apologies, he worked

hard in making overtures to them. These statements do not look wellside by side. They show W. H. Cleveland to be capable of unscrupulous rascality.

Final inclosures "H," charge and disprove Sankadody's association with the affair. The papers throughout show that Sankadody and the general police had nothing to do with organizing and executing the trouble.

C. A. Cleveland expected, perhaps, to prove all that was written in the complaint gotten up by another person, but that does not free him from severe censure at least, for signing the paper before thoroughly examining it, and supporting the facts so claimed.

While not being able to measure the gravity of C. A. Cleveland's offense as viewed from the standpoint of the Department, I have to state emphatically that W. H. Cleveland, "salesman and interpreter," is at the bottom of the "complaint" and trouble, and chiefly responsible for it. He wrote the statement—so admitted to me—goes for the police rough-shod, as appears throughout the papers, when I know absolutely from Sankadoty and W. H. Cleveland himself, that on June 27, the day after the trouble, and before he wrote the complaint, that he made friends with Sankadoty, chief of police, and did everything in his power to seek his good graces.

July 1 he wrote the complaint for his brother to sign after he had really sought and obtained the good feeling which came about "an hour after the trouble."

He is at the bottom of the whole affair, and the one directly responsible for the gross deception practiced upon the Department.

He should be justly dealt with, and I therefore recommend that C. A. Cleveland be directed to immediately dismiss his "salesman and interpreter," W. H. Cleveland, and that the agent be directed to notify said W. H. Cleveland to leave this reservation, and that the agent be directed to see that he goes, reporting the same to the office.

Very respectfully submitted.

PARIS H. FOLSOM,
Special Indian Agent.

Hon. HIRAM PRICE,
Commissioner.

Commissioner ATKINS. Now, Mr. Chairman, I propose to submit the letter of Mr. Reynolds to Mr. Fisher, the man who bought out J. J. Fisher & Co. I desire that letter to be read.

The letter referred to was read by Mr. Osborne, and is as follows:

ANADARKO, IND. TER., *November* 26, 1882.

GENTLEMEN: I am recently advised that one member of your firm, Mr. Charles A. Cleveland, has applied for and obtained a license to trade with the Indians of the agency located at this place.

Having bought of you your entire stock and the good-will of the firm as long as I should remain a trader at this agency, there being a clear understanding that you would absolutely withdraw from the field, I cannot but express a feeling of surprise and disappointment that any member of your firm should, in violation of the agreement, apply for a license to trade. As but for the fact that the good-will of your firm was included in the sale, I should not have purchased. I deem it fair and just to notify you that if, under this license in violation of your agreement with me, you or any member of your firm should open a trading store, I will not hesitate to bring an action for all damages arising from the breach of your agreement. Doubtless, if you open up business anew, the damage resulting to me will be very large, and it is my fixed purpose to enforce my rights strictly and to their fullest extent if in bad faith and in utter disregard of your agreement you open up anew under this or any other license.

Very respectfully,

A. J. REYNOLDS.

J. J. FISHER & CO.

[Indorsement.]

SAINT LOUIS, MO., *December* 6, 1882.

The attention of the honorable the Commissioner of Indian Affairs is respectfully invited to the inclosed communication of Mr. A. J. Reynolds, Indian trader at Anadarko, Ind. Ter., complaining that Mr. Charles A. Cleveland, a member of the late firm of J. J. Fisher & Co., late Indian traders under the license of J. J. Fisher, a firm composed of J. J. Fisher, C. A. Cleveland, and C. Moller, contrary to the explicit promise and understanding of J. J. Fisher & Co., is about to embark in business at Anadarko, under a license recently obtained to trade with the Indians at that place. The within statement of Mr. A. J. Reynolds is correct in every detail and particular.

When Mr. Reynolds, on or about January 1, 1880, purchased the merchandise and good-will of J. J. Fisher & Co., it was expressly understood and agreed, as a principal consideration for the purchase, that J. J. Fisher & Co. should not, nor should any member thereof, embark in business in competition with Mr. A. J. Reynolds at Anadarko so long as Mr. Reynolds should retain an interest at that place.

The undersigned, late of the firm of J. J. Fisher & Co., did not know until quite recently that Mr. C. A. Cleveland had obtained a license to trade with the Indians at Anadarko, Ind. Ter. Under the circumstances, we earnestly request a revocation of the said license, the license having been applied for and obtained by Mr. Cleveland in direct violation of promise given Mr. Reynolds. We, the undersigned, request this also in justice to ourselves, who have acted in good faith in this matter, and who should not be subjected to the vexation and expense of a suit at law for damages arising from a breach of agreement by Mr. Cleveland. The immediate action of the honorable Commissioner is respectfully solicited.

J. J. FISHER.
C. MOLLER.

Commissioner ATKINS. Now read the letter from Carl Moller to Mr. Reynolds.

Mr. Osborne read the letter referred to, as follows:

[Office of Fisher, Parker & Co., (successors to Gregory, Stagg & Co.,) importers, distillers' agents, and whisky commission merchants, Nos. 218 & 220 N. Main street.]

SAINT LOUIS, *November* 30, 1882.

DEAR SIR: Mr. Fisher has handed me your letter of 26th to read. In compliance with your request I desire to say that when Mr. A. J. Reynolds purchased the merchandise and good-will of J. J. Fisher & Co., it was promised and agreed to that so long as Mr. A. J. Reynolds retained any interest at the Wichita Agency (Anadarko), the firm of J. J. Fisher & Co. should not, nor should any member thereof, embark in business at that place. Not long thereafter I informed Mr. A. J. Reynolds that Mr. Cleveland and I differed as to the interpretation of the agreement. Mr. Cleveland thought, or was of the opinion, that he had the right, for instance, to accept employment with Mr. Fred, the other Indian trader, and that the agreement with Mr. Reynolds only debarred him (Cleveland) from having a principal's interest in any business at that place. I was of the opinion that none of the members of J. J. Fisher & Co. had a right, as principal or employé, to be engaged in business at Anadarko, so long as Mr. Reynolds had an interest there, without Mr. Reynolds's consent. Of course if he wanted our services there could be no dispute. I also spoke to the agent, Colonel Hunt, of this difference of opinion between Mr. Cleveland and myself, and added that considering the liberal, but withal business, spirit in which Mr. Reynolds met us when the transfer of stock took place, Mr. Reynolds should be entitled to the benefit of any doubt, as to the proper understanding of the agreement.

Trusting that I have made this statement sufficiently explicit,

I remain, with kindest regards, yours truly,

CARL MOLLER.

A. E. REYNOLDS, Esq.,
New York City, N. Y.

Commissioner ATKINS. Also the following letter from J. J. Fisher.

Mr. Osborne read the following letter:

FISHER, PARKER & CO., 218 and 220 NORTH MAIN STREET, SAINT LOUIS,
October 28, 1885.

DEAR SIR: I have the honor to request that the license of Mr. A. J. Reynolds, as Indian trader at the Kiowa, Comanche, and Witchita Agency, Indian Territory, be renewed, and desire to submit the following statement in connection therewith:

Early in the year 1880 J. J. Fisher & Co., then licensed Indian traders at Fort Sill, Indian Territory, upon the removal of the Indians to Anadarko, sold out their entire stock of goods, amounting to about $25,000, many of the articles having accumulated during a number of years, being more or less unsalable, to Mr. A. J. Reynolds, who paid cash for same, the amount covering the invoiced prices of the goods, together with 10 per cent. additional for cost of transportation and other incidental expenses. Much of this stock is still undisposed of, while, of course, Mr. Reynolds has from time to time been purchasing supplies from the East, so that the average cost of his stock has been, as it will inventory to-day, about $25,000. If Mr. Reynolds' license be not renewed almost this entire stock will be sacrificed, as none of the present traders is financially in condition to purchase same, and as I feel assured that it is not your in-

tention to cause such a serious hardship to Mr. Reynolds, I make my request for the renewal of his license, and as I have not the honor of a personal acquaintance with you, will refer to United States Senator Vest, and Members of Congress Glover and West.

Hoping my application will be granted, and Mr. Reynolds' license be renewed, I remain,

Respectfully, yours,

J. J. FISHER.

Hon. J. D. C. ATKINS,
Commissioner of Indian Affairs, Washington, D. C.

Commissioner ATKINS. There is also a letter from Mr. P. B. Hunt, Indian agent, which I desire to have read.

The letter referred to is as follows:

UNITED STATES INDIAN SERVICE,
KIOWA, COMANCHE, AND WICHITA AGENCY.
Anadarko, Ind. T., February 7, 1885.

SIR: I have the honor to acknowledge the receipt of your telegram of 30th ultimo, in regard to C. A. Cleveland, which only reached here yesterday. In reply I have to say that I cannot recommend the renewal of license of C. A. Cleveland, for the reason that he was a member of the firm of J. J. Fisher & Co., licensed traders at this agency, who sold their stock of goods and good-will to A. J. Reynolds, also a licensed trader, with the obligation not to resume business at this agency while he (Mr. Reynolds) continued to trade at the agency.

Without the knowledge of said obligation, upon the part of J. J. Fisher & Co., I recommended in October, 1882, the application of C. A. Cleveland for trader's license, upon which a license was granted him November 1, but upon the protest of A. J. Reynolds, and the other members of the firm of J. J. Fisher & Co. (reference to which is respectfully invited), the license was revoked in December, 1882, before Cleveland had commenced business.

With the knowledge of the rights and privileges purchased by Mr. Reynolds of J. J. Fisher & Co., I do not think it is proper for Cleveland to trade.

If, however, the honorable Commissioner thinks different and grants the license, he (Cleveland) should not be permitted to employ his brother, W. H. Cleveland, for I attribute all the trouble of C. A. Cleveland, under the last license, to him.

Very respectfully,

P. B. HUNT,
United States Indian Agent.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

Commissioner ATKINS. The letter of Mr. Moller, addressed to me, which is dated November 26, 1885, and the letter of ex-Agent Hunt, addressed to the former Commissioner of Indian Affairs, Mr. Price, dated Anadarko, February 7, 1885, were never before Mr. Price when he relicensed Mr. Cleveland, as a matter of course, because even ex-Agent Hunt's letter, advising him not to relicense Mr. Cleveland, was not before him when he did relicense him. That is the letter dated February 7, 1885. I repeat, neither the letter of Mr. Moller nor that of ex-Agent Hunt was before Commissioner Price when he relicensed Mr. Cleveland.

I also have here Executive Document No. 17, Senate, Forty-eighth Congress, second session, in which there are references, which I have marked, to Mr. Cleveland's conduct with regard to cattle, leases, &c., rumors of which were floating in the office, but which I did not know much about, had only heard of, which is an additional reason why I did not propose to relicense Mr. Cleveland. I was told that there were statements on file against him. The extracts from this document which I have indicated will show that the Indians were dissatisfied with the course of Mr. Cleveland, and that was an additional reason why I would not have relicensed him. That was never brought to my attention until this winter, although I had heard the report floating through the office.

The following are the references to Mr. Cleveland in Executive Doc-

ument No. 17, Senate, Forty-eighth Congress, second session, pages 119, 120, 133, 134, and 141:

KIOWA, COMANCHE, and WICHITA AGENCY,
Indian Territory, February 5, 1884.

SIR: Tab-a-nan-a-ka and White Wolf are here and want to send their talk to you, and to tell the Secretary what they think about leasing their grass. * * *

We think that Fox and Cleveland are crowding things on us. They come up and embrace us and say give us some grass. We think that as Cleveland is in the store here he should be satisfied with that without grass, or get out of the country. We think Fox is doing us no good, and we think he should stop bothering us. * * *

Fox and Cleveland are like two little boys, and he is afraid they will cause trouble amongst our people if they don't stop. * * *

We are very tired of this, and don't know what to do, as Cleveland and Fox are all the time bothering us about the lease.

Please send them away and send some white men here who will set us a better example. We don't feel good or sleep good at night worrying so much about the state of affairs our country is in.

We think the white men's cattle will soon be here so thick that there will be no room for the Indians who have small bunches of stock; this is why we are so very much worried.

* * * * * * *

THOS. F. WOODARD,
Employé and interpreter for Indians.

Col. P. B. HUNT,
Agent.

[Indorsement.]

KIOWA, COMANCHE, AND WICHITA AGENCY,
Indian Territory, February 8, 1884.

At the urgent solicitation of White Wolf and Tabananaka, their protest against leasing grass is respectfully forwarded to the Commissioner of Indian Affairs, with their request that it should reach the honorable Secretary of the Interior.

I do not think they represent the views or wishes of a majority of their people or of the Indians on their reservation, but owing to the incessant importunities of W. H. Cleveland and G. W. Fox, in the manner indicated in their protest, and as alleged by other undue influences, these Indians have been worked up to an unnecessary state of excitement and bad blood on the grass question.

* * * * * * *

G. W. Fox some years ago was in the employ of the Indian trader at Fort Sill, and is now interested in the cattle business along the western border of the reservation, and has unlimited opportunities to confer with the Indians who visit or are located near there.

W. H. Cleveland is an employé of one of the traders at this agency, and has equal opportunities to talk and confer with the Indians.

I would be glad to have a letter on this subject.

P. B. HUNT,
Indian Agent.

KIOWA, COMANCHE, AND WICHITA AGENCY,
August 1, 1884.

SIR: In connection with my duties at this agency, I have the honor to state that a very respectable number of Kiowa and Comanche Indian chiefs, in council to-day, requested me to write to you in their behalf in reference to leasing for pasturage a portion of the reservation allotted to them.

* * * * * * *

W. H. Cleveland, who represents Mrs. Hutchins's interest in Cleveland & Co., traders, is very active in buying, by pretty gifts, and soliciting the influence of Indians in leasing.

This causes so much disturbance, complaint, and uneasiness among the Indians, such a species of uncalled-for rivalry among a class of traders, which sets a bad example to the Indians, and is so pernicious in its effect of unduly influencing Indians, that it should be stopped.

It is enough for traders to trade. I therefore recommend that no trader, or person

connected with a trader's store, be allowed to lease land or grass from the Indians, or to engage, directly or indirectly, in leasing land or grass for or on behalf of other persons.

* * * * * * *

PARIS H. FOLSOM,
Special Agent.

Hon. HIRAM PRICE,
Commissioner of Indian Affairs,
Washington, D. C.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
October 25, 1884.

SIR: Referring to your communication of the 1st August last, relative to the grazing question in connection with the Kiowa, Comanche, and Apache Reservation, you are advised, &c.

* * * * * * *

Referring to that part of your letter of August 1, which alludes to the action of the traders at the Kiowa, &c., Agency in soliciting the Indians for leases of grazing lands, I have issued a circular requiring all Indian traders and persons engaged with or employed by them to confine themselves strictly to their legitimate business, conformably to the license issued from this office, and prohibiting all such persons from holding herds of cattle on the reservation for private purposes, or from attempting to obtain concessions from the Indians of the use of lands for cattle raising, grazing, or other purposes, under penalty, on proof of the facts to this office, of an immediate revocation of the license.

* * * * * * *

H. PRICE,
Commissioner.

PARIS H. FOLSOM, Esq.,
Special Agent, Indian Service,
Kiowa, Comanche, and Wichita Agency,
Anadarko, Ind. Ter.

KIOWA, COMANCHE, AND WICHITA AGENCY,
November, 1884.

Indian friends in council assembled:

You say you are glad to see me here among you again; that you have been waiting for me to come and help you out of your troubles, and many of you come to shake hands with me.

* * * * * * *

The next thing, the Commissioner says that traders must attend to their own business in stores, and have nothing to do with holding herds of cattle on reservations, and traders must not talk to Indians about grazing or leasing grass.

Traders must let cattle business alone and stick fast to selling goods in stores. Traders cannot be cattlemen and cattlemen cannot be traders. The Commissioner will not allow traders to be two kinds of men at one time.

* * * * * * *

P. H. FOLSOM,
Special Agent.

Commissioner ATKINS. Now, Mr. Chairman, the other day a statement was made by Mr. Cleveland, signed by C. A. Cleveland & Co., I believe it was, that I was licensing my impecunious friends as traders. Sir, to characterize it with no softer language, that was false. I did no such thing. I never licensed any man that I supposed was impecunious, but had abundant reason to believe that he had the means and credit to run a store, for that was always an inquiry that I made. And as to Jackson, he told me himself that he had the means to run the store, and his brother, Senator Jackson, repeated it this last winter. I have not a relative on earth who has a drop of my blood, nor is there a man or a boy or anybody else connected with an

Indian tradership who has a drop of my blood or that of my wife. Then the statement is absolutely, entirely, and wholly false, made by whoever it is, whether it is made on oath or not, and I suppose that all those statements that are to be put into this record are sworn to by these parties—is that so or not?

Senator BLACKBURN. They have been sworn and they have made these statements a part of their testimony.

Commissioner ATKINS. Then it is absolutely false that I have a relative on earth that I know of connected with any Indian tradership or that my wife has either.

Now, Mr. Chairman, it was sworn to the President that this man Cleveland had a stock amounting to $20,000 worth of goods when his license failed to be reissued the first of February, as I understand it. That is what was written to the President, I believe, by him, and by his attorney, perhaps, as I understand it, for I have not read it; I have only heard it read here, and I have heard his testimony. He swore here that he had about twelve thousand dollars worth of goods. His statement to the President says $20,000 worth, and his statement here is $12,000 worth. He also swore that he was damaged by this removal about eight thousand dollars. Sir, if he had been damaged $50,000, if he had been damaged $100,000, or $1,000,000, with the record he has made here, I could not, with the consent of my conscience, have relicensed Cleveland. I am reviewing their testimony. Now, then I propose to read some testimony. Here is a copy of a telegram, the original of which is in my office, in the Indian Office.

ANADARKO, IND. TER., *July* 18, 1886.

A. B. UPSHAW,
Acting Commissioner Indian Affairs:

From the best information I can get from the parties you mentioned, C. A. Cleveland had about $5,000 or $6,000 stock June 1, and the stock he usually carried was but little more. He sold Brown $297.09; Fred, $15 worth.

J. K. P. CAMPBELL,
Agency Clerk.

Commissioner ATKINS. Here is a gentleman I know well, and Senator Coke knows him well, as an honorable gentleman.

Here is another communication from him:

ANADARKO, IND. TER., *July* 20, 1886.

A. B. UPSHAW,
Acting Commissioner Indian Affairs:

Cleveland's duplicate invoices on file in agent's office show he purchased in March, 1886, $1,073.67, and $3,073.13 in April. This is all the data I can find in this office. Can send invoices, if desired.

J. K. P. CAMPBELL,
Agency Clerk.

Commissioner ATKINS. And here is another communication on the same subject:

ANADARKO, IND. TER., *July* 18, 1886.

A. B. UPSHAW,
Acting Commissioner Indian Affairs:

Cleveland & Co. purchased several thousand dollars' worth of goods after being notified by Commissioner Atkins not to make any more purchases, as they would have to leave here. This can be proven by invoices now in the agent's office at this place.

DUDLEY P. BROWN.

Commissioner ATKINS. Now, I hold in my hand another telegram which I received to-day. This is dated July 21, 1886, and reads as follows:

JACKSON, MISS., *July* 21.

Hon. A. B. UPSHAW,
Acting Commissioner Indian Affairs:

I am willing to make oath that Cleveland's stock at Anadarko on or about June 15 was not——

The CHAIRMAN. Do you propose to put in here something that this gentleman says he is willing to swear to?

Commissioner ATKINS. Very well; I will not put it in.

Senator BLACKBURN. It might be submitted to the committee to see whether it is necessary to take that man's testimony.

The CHAIRMAN. I will look at it, but of course that way of doing things might lead to complications hereafter.

Commissioner ATKINS. I understand, then, that everything that has been put in here has been sworn to, do I, Mr. Chairman?

The CHAIRMAN. I do not know anything about that.

Commissioner ATKINS. I think it is a pertinent question.

Senator COKE. Mr. Hunter and Mr. Cleveland put in a good deal that was written by other people.

Commissioner ATKINS. He put in Senator Vest's letters, and they are not sworn to.

The CHAIRMAN. (After reading the paper in question.) I will submit this to Senator Blackburn, and if he thinks it is right, I will not object.

Commissioner ATKINS. I can only swear that it has been received at the office. I cannot swear to the truth of it, of course. I know the man says so, and he is an honorable man.

Senator BLACKBURN. (After reading the communication in question.) Mr. Chairman, I do not think that this constitutes any testimony.

The CHAIRMAN. My impression is very clear that the gentleman who sends that dispatch is likely to figure in this investigation before we get through.

Senator BLACKBURN. When we get through with the testimony here it will be a matter for the committee to decide whether it will be well to take his testimony on the points covered by the telegram.

The CHAIRMAN. I think some points will be suggested that will bring him here. I do not say so positively, but I think so.

Commissioner ATKINS. Well, I believe I have stated substantially all the facts that I know in regard to this case.

The CHAIRMAN. At some time I should like to ask a few questions in regard to what you have stated, but I cannot do it to-day, as the Senate is already in session.

Senator BLACKBURN. I should like to ask the Commissioner one question here. You have stated, I believe, that it was the 2d day of January, as shown by the files of your office, when you were first notified by anybody of improper conduct on the part of Mr. Jackson in wanting to use his license?

Commissioner ATKINS. I think it was likely that day.

Senator BLACKBURN. That was the first information you had from any quarter?

Commissioner ATKINS. Yes, sir.

Senator BLACKBURN. And that was the second day of January last?

Commissioner ATKINS. Yes, sir.

Senator BLACKBURN. When, or about when, was that license recalled n your office.

Commissioner ATKINS. I notified him on the 14th of January that unless he proceeded to open his store by the first day of February in person, that his license would be revoked.

Senator BLACKBURN. Do you know when that license was back in your office?

Commissioner ATKINS. It was in my office certainly before the first day of February. Within a day or two of the first of February will cover it. The clerks in the Bureau can better answer that question; but I think it was the 1st of February.

The CHAIRMAN. I think I suggested at the first hearing that I would like a list of the appointees. You have furnished the Senate with a list of the removals. Now, I would like a list of the appointees.

Commissioner ATKINS. I brought that paper with me this morning for that purpose [handing it to the chairman].

Senator BLACKBURN. I might as well submit and make part of the record now what the basis was laid for the other day, the action of the court-martial in the case of Lieutenant Hunter.

The CHAIRMAN. Do you desire to put it into the record this morning?

Senator BLACKBURN. I think we might as well, and then we can put in the supplemental record whenever it comes.

The following is the extract referred to by Senator Blackburn:

[General Orders No. 47.]

HEADQUARTERS, ARMY OF THE POTOMAC,
Washington, November 19, 1861.

Before a general court-martial, of which Lieutenant-Colonel Hannibal Day, Second Infantry, is president, which convened at the corner of Pennsylvania avenue and Seventeenth street, Washington City, D. C., on the 18th day of October, 1861, pursuant to Special Order No. 103, from these headquarters, of October 15, 1861, was arraigned and tried—

* * * * * * *

Before the same court was arraigned and tried First Lieut. Robert F. Hunter, Second Infantry, on the following charges and specifications:

Charge 1st.—"Drunkenness on duty."

Specification.—That First Lieut. Robert F. Hunter, Second Regiment Infantry, while on duty as officer of the day, and in command of a patrol of the provost guard, was drunk. This at Washington City, D. C., on or about the 25th day of September, 1861.

Charge 2d.—"Conduct prejudicial to good order and military discipline."

Specification.—In this, that he, First Lieut. Robert F. Hunter, Second Regiment Infantry, did appear in the streets of Washington City, D. C., while officer of the day, and commanding a patrol, in a drunken condition, and did so disreputably conduct himself as to make himself the object of remarks and of complaint to the military authorities. This at Washington City, D. C., on or about the 25th day of September, 1861.

Plea: "Not guilty."

The court, after mature deliberation, finds the accused, First Lieut. Robert F. Hunter, Second Infantry, as follows:

Of the specification, first charge, "Guilty."

Of the first charge, "Guilty."

Of the specification, second charge, "Guilty."

Of the second charge, "Guilty."

And the court does therefore sentence the said First Lieut. Robert F. Hunter, Second Infantry, to "be cashiered."

* * * * * * * *

IV. The proceedings of the court-martial in the case of First Lieut. Robert F. Hunter, Second Infantry, are confirmed, and First Lieut. Robert F. Hunter, Second

Infantry, therefore ceases, from this date, to be an officer in the military service of the United States.

V. The court-martial, of which Lieut. Col. Hannibal Day is president, is dissolved.

By command of Major-General McClellan.

S. WILLIAMS,
Assistant Adjutant-General.

Official.

O. D. GREENE,
Assistant Adjutant-General.

The CHAIRMAN. The committee will have to adjourn now, as the Senate is in session. We will have another meeting of the committee on Saturday morning, if there is no objection.

The committee then adjourned until Saturday, July 24, 1886, at 10 o'clock a. m.

WASHINGTON, D. C., *Saturday, July* 24, 1886.

The select committee met pursuance to adjournment at 10 o'clock a. m.

TESTIMONY OF J. D. C. ATKINS—Continued.

Hon. J. D. C. ATKINS, Commissioner of Indian Affairs, recalled and further examined.

By the CHAIRMAN:

Question. When did you take charge of the Indian Bureau?—Answer. On the 26th of March, 1885, I think.

Q. I find in the Revised Statutes, in the edition of 1878, section 2129, which reads as follows:

SEC. 2129. No person shall be permitted to trade with any of the Indians in the Indian country without a license therefor from a superintendent of Indian affairs, or Indian agent or sub-agent, which license shall be issued for a term not exceeding two years for the tribes east of the Mississippi, and not exceeding three years for the tribes west of that river.

Commissioner ATKINS. When was that law passed?

The CHAIRMAN. The law was passed June 30, 1834. In the commencement of your testimony before the committee, you speak of the act of August 15, 1876, which reads as follows:

The Commissioner of Indian Affairs has the sole power and authority to appoint traders to the Indian tribes, and to make such rules and regulations as he may deem just and proper, specifying the kind and quantity of goods and the prices at which such goods shall be sold to the Indians.

Q. That manifestly takes away from the Indian agent or sub-agent any authority to issue licenses. Do you understand that that act of August 15, 1876, gives to the Commissioner of Indian Affairs a right to reduce the time of licenses to one year?—A. Yes, sir; I do.

Q. Do you think a proper construction of section 2129 of the Revised Statutes, which says that the license "shall be issued for a term not exceeding two years for the tribes east of the Mississippi, and not exceeding three years for the tribes west of that river," would give the Commissioner the power, even under that statute, to make it one year?—A. That question was never called to my attention until I appeared before this committee. But that has been the ruling and the practice since 1876, and I think that was the intention of the law when it was passed in 1876—that the sole power should be given to the Commissioner of Indian Affairs to license or not license, as the case might

be, and to make such rules and regulations. I found those rules and regulations in force when I came into the office, and that has been the practice since 1876. This is the rule under which the office has acted:

555. No license will be granted for a longer period than one year; but at the end of that time, if the Commissioner of Indian Affairs be satisfied that the trade has been conducted properly, and that the laws and regulations of the Department and the terms of the license were duly observed, a new license may be granted without the formality of requiring the testimonials referred to in section 533.

Q. Do you not think the practice of the courts has been to construe the words "not exceeding" as indicating the longest term, unless there were reasons in a particular case why the longer or full term should not be given?—A. I have never practiced law, Mr. Chairman, and do not set myself up as qualified to give judicial opinions, specially upon general subjects, the rules of construction, and so forth. But I am perfectly satisfied that no question has been raised, at least I have never heard of any question being raised, during the whole time, since the passage of this law in 1876 up to the present time, and there has been no questioming of the authority of the Commissioner of Indian Affairs to license only for a year; in fact, it has been construed that he could only license for a year.

Q. There is nothing in the statute which prevents him, is there, that you are aware of, from licensing for a longer period?—A. How that is, I cannot say.

Q. There is nothing but the regulation you refer to?—A. How that is I cannot say, but this regulation would have had to be changed in order to have done that. I found that regulation in the office and I did not change it. I will say this much, that I think it would be a very unwise procedure to license them for more than one year; that is what I think.

By Senator CULLOM:

Q. Have you or not the power to revoke a license in case of necessity?—A. Yes, sir, I have; the Commissioner of Indian Affairs has that power, but it is not a pleasant thing to do.

By the CHAIRMAN:

Q. This license to a man to trade with the Indians is a license purely to set up a commercial business, as I understand it; it is not an appointment to office; it is not an office; it is a license for a man to carry on a commercial business, is it not?—A. I cannot see that it is anything else. The man has to give a bond of $10,000.

Q. And you think it is unwise to license a man for any longer period than one year?—A. I rather think it is. In my experience in the office thus far I rather think it is.

Q. Do you think it is in any way unwise, when a man has been licensed and has put capital into the trade, to revoke his lisense at the end of a year?

Commissioner ATKINS. Will you please repeat your question?

The CHAIRMAN. Do you think it unwise to revoke a license at the end of the year when a man has put his capital into the business?—A. I think that it is owing to circumstances altogether.

Q. I mean if he has complied with the regulations?—A. Well, then, it is owing to circumstances.

Q. Do you think it wise to revoke the license of a trader against whom there are no charges or complaints for the purpose of putting in a friend of the appointing power?—A. I may answer that by asking another question: If it would be wise to remove any man from office

and appoint another man in his place, so far as that is concerned? Now I will be very frank with you, Mr. Chairman, and with the committee, very frank indeed. I made the statement in my first hearing before the committee that there had been persons whose licenses had not been renewed because there were Representatives and Senators and other persons asking the appointment of their friends in the place of those parties. And, sir, when I came into office—if a partisan turn is to be given to the matter—I found a large proportion (so far as my information goes, almost entirely, in fact) of the traders were members of the Republican party, and I reckon to-day that a majority of them, and a considerable majority of them, are members of the Republican party. I have licensed anew some gentlemen who are Republicans, as I understand.

The CHAIRMAN. I have not intended to give this any political or partisan turn.

Commissioner ATKINS. I did not know. I could only answer your question by making a frank statement.

Q. Well, whether in this Jackson case or not, have you not refused to renew licenses of Indian traders, and appointed new persons who were your friends?—A. Yes, sir.

Q. Sneed and Colyer, I think, were friends of yours?—A. Yes, sir; they were, and one or two others.

Q. Now, I am speaking simply of this trade with the Indians. Do you think it is wise in a case where no complaints are made against the trader, to refuse to extend his license upon the ground that you want to appoint friends of your own to that place?—A. Were I to do so, I should follow in the line of safe precedence.

Q. I am asking you what you think is wise with reference to it.—A. I answered your question once by saying that was owing to circumstances.

By Senator CULLOM:

Q. What are the circumstances?—A. The circumstances would be these: Influences of a strong character. Representative men have pressed upon me the appointment of traders in the place of others, and I have yielded to their requests; those are the circumstances.

Q. Political friends?—A. Yes, sir.

The CHAIRMAN. I do not want to bring politics in.

Commissioner ATKINS. You may take that ground. You may take that as possibly true, probably true in some cases, because I do not desire to conceal anything at all.

By the CHAIRMAN:

Q. Were Sneed and Colyer pressed upon you by political friends?—A. No, sir; not specially.

Q. They were your own friends?—A. Yes, sir; they were my own friends.

By Senator CULLOM:

Q. Do you mean personal friends or political friends?—A. Well, they were both personal and political friends; they were very warm friends that I had, men to whom I owed a great many obligations in the way of my political life, I may say.

By the CHAIRMAN:

Q. The nature of the business of an Indian trader involves an investnt of capital in goods to a greater or less extent, does it not?—A. , sir.

Q. The same as would be the case in setting up a store anywhere?—A. Oh, yes, sir; I should suppose so.

Q. Now I recur to the question once more, whether, when a man has received such a license as that, and has made the investment of capital necessary to carry on the business, has been guilty of no wrong in conducting the business, you think it is wise or proper not to renew his license for the purpose of being able to appoint your political friends to the place occupied by that person?—A. I have answered that question. I repeat my answer. My answer is contained in my previous reply to your question.

Q. When a new trader is appointed the old trader is required, as I understand it, unless he is able to sell out, to remove the goods from the agency?—A. Yes, sir; but I have generally given him a reasonable time to do so.

Q. Do you suppose that his business can be terminated and his goods removed from the agency or Territory without serious loss to him?—A. I cannot say about that, sir. I do not think the Indian Office is a general insurer for all men who are trading with Indians. They accept the license with the understanding that it only continues for one year.

Q. That is just the point I was trying to get at when I commenced my inquiries. Do you think that any trader accepts a license with an understanding that it is only to continue for one year?—A. I know that they do—that they accept a license with that understanding, for they know that the license only exists for one year, in every case, since 1876.

Q. But does not every trader who receives a license consider that there is an implied understanding that if he conducts himself properly his license will be renewed?—A. I am not aware what inferences traders may draw.

Q. Has he not a right to imply that?—A. Perhaps so, in your opinion.

Q. But I ask you whether *you* do not think he has a right to imply that?—A. I have given you my answer.

Q. Do you know what the precedents of the office have been as to that; whether in the case of a trader who had conducted himself properly, his license was not renewed, as a matter of course?—A. I do not know that I can answer that question definitely, but as I stated awhile ago, most of those gentlemen were of the Republican persuasion, and have been for over twenty years, I reckon; but there was no political motive for their removal at all.

Q. Do you think that such a man ought to be removed for political reasons?—A. I do not think a man once in an Indian tradership ought to be there always.

Q. Certainly not; I agree to that. But again I ask you whether he ought to be removed for political reasons?—A. I think it would be just about as fair, just about as proper, for a man to give up a place which he had been occupying for a good while in a position of that sort, as it would be for a man occupying any ordinary office. I think that, sir; but I wish to say that I have all the time endeavored to go as slowly as possible in the appointment of new traders. I have all the time endeavored to go as slowly as possible, and I have not appointed anything like the number of persons I have been pressed and asked to appoint.

By Senator CULLOM:

Q. When you say you have been endeavoring to go as slowly as possible in the appointment of new traders, you mean consistent with your relations to your political friends?—A. Yes, sir.

By the CHAIRMAN:

Q. But have you not removed men against whom there were no charges, and who had been trading there but a few years—two or three years?

Senator BLACKBURN. Before the Commissioner answers that question, I would like him to state, as he is not a practicing lawyer, whether he desires to use the word "removal" in connection with his action.

The CHAIRMAN. I used the word "removed" myself. I should have asked him if he had not declined to relicense traders against whom there were no charges, and who had been trading there but a few years—two or three years?

Commissioner ATKINS. Yes, sir; I think I have, frequently.

Q. Then your suggestion, that because a man was once there he should not stay always, does not apply to that kind of a case. That is not an unusually long time for a person to carry on a trade, is it—two or three years?—A. I do not know that it is.

Q. You think that the trade at this Kiowa, Comanche, and Wichita Agency is about $180,000 per annum?—A. I thought so at one time. At first I did not think it was nearly that much; I thought it was perhaps less than $150,000; that is, when I first came in I did not know how much trade was there. It is a very difficult matter to ascertain. One of the most difficult matters to ascertain in the Indian Office, in connection with the appointment of traders, is just what the trade is at a particular place. You can scarcely get the truth in regard to it; that is the fact.

Q. You have four traders there?—A. Yes, sir; there are four licensees at that place. One of the parties has not gone there yet.

Q. Who is it who has not gone there yet?—A. I do not think Sneed & Colyer have gone in yet.

Q. I will ask you right here——A. Let me answer the question. I at first did not know how much trade was there, and was under the impression that there was a great deal less trade there than I was at a subsequent time, and I may have exaggerated, at the subsequent time to which I refer, the amount of trade in saying that it amounted to $180,000. But I believed it to be that at the time, though what data I based it upon I do not now remember. I placed it at, I suppose, about $180,000, but I have understood since that the trade was not near so much as that.

Q. What do you understand it to be now?—A. In consequence of the removal of the cattle from the Cheyenne and Arrapaho Agency, and the apprehension that there would be a similar removal from that agency, I suppose it is less. I think that a great many of the cattle have probably gone out of that reservation.

Q. What are the annuities there?—A. I do not remember what they are.

Q. You will let us know at some time?—A. Yes, sir. I do not think they are very much. I cannot answer that question just now.

Mr. CHARLES A. CLEVELAND. The annuities are not in money.

Commissioner ATKINS. I do not think there are any annuities there. I do not think there are any treaty annuities with the Kiowa, Comanche, and Wichita Indians. My chief clerk informs me that the money which goes there is simply the money that is paid to the employés of the agency.

Q. What is your present impression about the amount of trade there?—A. I understand it is about $100,000. I am not very well posted, and really do not know.

Q. You licensed Sneed and Colyer November 25, 1885?—A. I believe so.

Q. That is eight or nine months ago, and they have not gone there yet, have they?—A. They are at Fort Sill.

Q. They are trading at Fort Sill now?—A. Yes, sir.

Q. Were they old traders at Fort Sill?—A. No, sir; they were new traders.

Q. If they were licensed for the Kiowa, Comanche, and Wichita Agency, how is it that they are trading at Fort Sill?—A. Because I gave them permission to trade there. Every administration has done that.

Q. Do you understand that they are going to the Kiowa, Comanche, and Wichita Agency?—A. Yes, I do; or they will have to surrender their license.

Q. How far is Fort Sill from there?—A. I understand it is 30 or 40 miles. I was never in that Territory. Those branch stores have been allowed by every administration.

Q. You did license a man named Jacobs?—A. I did; yes, sir.

Q. When did you grant that license?—A. I think I granted that license in August—July or August, I forget which. Possibly it might have been June.

Q. When was his license revoked or returned?—A. It was revoked on the 26th of August.

Q. Did you know him before appointing him?—A. I never did. He was recommended to me by a man whom I did know by reputation very well, although I did not know him personally very well, a man named Judge Bond, his father-in-law. And then there were a good many recommendations of him from persons living in the town in which he had formerly lived, Brownsville, Tenn. Gentlemen of high reputation recommended him.

Q. In regard to this matter you say, in your previous testimony, that "finding that he was a fraud, and that he had acted in bad faith, after he got out there, with these parties, as they alleged, I communicated the fact to Mr. Bond, and finally, over the entreaties of Mr. Bond and other parties, I revoked his license." What was the bad faith which you there allude to?—A. The bad faith was that, in the first place, he had to borrow money to go out there, as these parties alleged. After being represented to me as a man with sufficient credit and means to run a store, he had to borrow money to go out there on, and declined to pay it back; and after he got out there, and went out with these parties, he endeavored to sell out to other parties—to use his license to sell out to other parties and ignore them altogether. These parties—Harris and Stone, I believe their names are; perhaps I have not got the last name right, but I think it is Stone; at any rate, the records will show who was licensed with M. B. Harris & Co.—represented these facts to me, and I revoked Jacobs's license. However, I am a little too fast. Judge Bond, finding that these parties had quarreled, wanted me, also, to license Jacobs alone, and these parties made these charges to me against Jacobs, and I just revoked the whole license.

Q. It was in August, or before August 26, that you heard of those facts?—A. Yes; so far as they are concerned, I heard them then, I believe. I had forgotten.

Q. You were then aware before August 26 that one of your appointees was trying to sell his license?—A. Now, I call it to mind; I recollect it. The other day when Jacobs's name was mentioned I had

not thought of Jacobs for months, but when his name was mentioned I recalled it.

Q. Knowing that one of your licensees—that is, Jacobs—had been trying to sell his license, and hearing in that same August the rumor that Jackson had sold his license, you asked Jackson about it and he denied it?—A. He did, most indignantly.

Q. Did you rest on his simple denial?—A. I did, because nobody ever made any such intimation to me at all until way in December or the 1st of January.

Q. You had heard a rumor of that sort?—A. Certainly I had—not that he had sold to Cleveland; I never heard that, but simply that he had sold his license for a given sum of money—$8,000; and I asked him if it was true, and he said it was not, that it was an infamous lie, and there the matter ended. Of course I could not institute a search-warrant to find out, or a drag-net to ascertain, whether it was true or not, and Jackson was represented to me as a gentleman of reputation and veracity and all that kind of thing, and was certainly a man of very good family.

Q. You cannot remember, now, where you got that rumor?—A. No, sir; I do not know where I got it. I got it either on the train the day I arrived home or I got it at home. I do not remember who it was that made the statement.

Q. Where is your home?—A. At Paris, Tenn.

Q. How far is that from Mr. Jackson's residence?—A. It is, I suppose, about 100 miles, maybe 150 miles by rail, possibly.

Q. Mr. Jackson was there when you got there?—A. That day? I do not know whether he was there or not.

Q. Or he came there very soon after?—A. I say I do not know whether he was there or not the day when I got there. I got there at 11 o'clock. But I saw him that day, and whether he reached there that day or not I do not know, but I presume he did.

Q. Then the rumor came to you just about the time, or a short time before, you saw Jackson?—A. Yes, sir; a short time before I saw him.

Q. Then you rested on his denial. You must have known, then, whom you received the rumor from?—A. No, sir; I do not know that I did.

Q. It had only been a short time before?—A. Yes, that is true, but I saw a great many people, and I do not remember who I heard it from.

Q. Would you not have been likely to remember for a few days who you heard it from?—A. Well, whether I did or not, if I was going to my grave now I could not say who I heard it from.

Q. But do you not think that when Jackson spoke to you about it, it was fresh in your recollection?—A. That is a question. I could not say that I did not recollect it then; I do not know that I could say that. The thing did not occur to me so far as that is concerned, and I have no recollection at all of who made the statement.

Q. And you made no effort, after Jackson denied it, to find out whether there was anything in it or not?—A. I asked him, and I thought that was effort enough.

Q. And that is all the effort you made?—A. Yes, that is all the effort I made until I heard the last of December or the first of January—and I suppose by the superscription on the statement that Mr. Cleveland filed, that it was on the 2d of January that the paper was filed, and his statement is that he made that statement to me at that time. I think that is correct. I never heard anything more against Jackson until about that time. But I then asked his brother, Judge Jackson, Senator

Jackson, about it, and told him what I had heard, and he denounced it as false, and said that it could not be true, and was not true.

I might say, Mr. Chairman, that if I were to undertake to investigate all the charges, rumors, and reports that I hear against traders I should have nothing else to do, for they can make more charges against each other, make more allegations and all that kind of thing, than any class of people I ever have had any contact with. I will say that. There are always coming into the office charges of one kind or another against traders, pretty nearly the same thing; but when I pin them down in some cases the parties dodge out and make no allegation at all.

Q. The four traders at the Kiowa, Comanche, and Wichita Agency are A. J. Reynolds, Frank L. Fred, Dudley P. Brown, and Sneed & Colyer, who are still at Fort Sill, but who are going there?—A. Yes, sir.

Q. You have relicensed Reynolds, Fred, and Brown, have you not?—A. Yes, sir.

Q. What are their politics?—A. I do not know. I understood that Fred was a Democrat, and I understood that he was a Republican; I do not know. I do not know what Reynolds's politics are. I have an impression, however, from the letter that his brother wrote me—his brother being a very strong Republican—that he is a Republican. As to Brown's politics, I cannot tell you what his politics are.

Q. You never heard that he was a Democrat?—A. I have heard it stated both ways, but I do not know anything about it. I am inclined to think that he is a Democrat. I do not think the politics of any of them lie very deep.

Q. They do not vote out there?—A. I think the politics of an Indian trader is considerably like a chameleon—he changes with the lights that are thrown on him.

Q. Mr. Andrews, you say, who was your license clerk, called to your attention the fact that Mr. Cleveland ought not to be relicensed, as early as April?—A. He did.

Q. Was Cleveland the only party that he told you ought not to be relicensed in reply to your suggestion to him that you wanted to revoke the license of any party who had acted badly?—A. I do not remember. I do not think he made any charge against anybody else at that agency; I think not.

Q. Did he refer to Cleveland alone among Indian traders as a person who ought not to be relicensed, or did he give the names of others whom he thought ought not to be relicensed?—A. I do not remember about that. I believe, though, that that was the main one, because he called my attention to the fact that he had been guilty of what he considered bad faith to Reynolds.

Q. When did you first look at the record of Mr. Cleveland in the office?—A. I do not think I looked at that record until way in the winter.

Q. Not until after October 5?—A. No, sir; I do not think I did.

Q. When you notified Mr. Cleveland that his license would not be reissued?—A. I do not think I did. I might have seen Mr. Moller's letter, but I will be frank to say that I had not seen all of that record until after that time.

Q. Do you think you had seen any of it prior to October 5?—A. I think probably I saw Moller's letter, but the balance of the record I did not see. But I put full confidence and faith in what Mr. Andrews told me, and then the other clerks in the office were well aware of his record and they were well aware of this transaction—at least the record in the

office shows that there had been a transaction of the kind, and it was a sufficiently familiar subject to me.

Q. Did Mr. Andrews speak to you in any way of the matter which is embraced in the Folsom report which you presented here?—A. No, sir; I do not think he did, but I had heard that from some of the clerks in the office; when, I do not know; I heard it a good while ago, but I never knew the merits of it, and consequently I never spoke of it, for I never understood the merits of it really until this investigation was gotten up. That is my recollection.

Q. Then that report of Special Agent Folsom had nothing to do with your notifying Cleveland that you would not relicense him?—A. No, sir; I only brought that up to show the character of the man who was assailing me. That is the reason I brought that up.

Q. It was rather necessary, as you then understood the matter, to make room for Jackson at that agency, was it not?—A. I gave Mr. Jackson a license in good faith, and intended he should have it.

Q. And you expected he would go there?—A. I did.

Q. And you did not intend to have but four traders there?—A. No, sir; I only intended to have four traders there.

Q. Then, whatever the fact may have been about Cleveland's having behaved himself, it was necessary for one of them to go in order to make room for Jackson, was it not?—A. You may think as you please about it. I did not intend to revoke Jackson's license. I had promised it to him, and intended that he should go there.

Q. And I understand now that on the simple suggestion of Mr. Andrews, the clerk, without looking at the record, you notified Mr. Cleveland that his license would not be renewed?—A. Not exactly that. You understand, Mr. Chairman, that my attention was first called to this by Mr. Andrews, and a second time called to it by Mr. Andrews, and then there were other clerks in the office who discussed this question with me. This gentleman here now [indicating Mr. Osborne] knew of his record. But you asked me if I had seen the record, and I told you that I had not, unless it was Moller's letter. I think Moller's letter was shown to me before I issued the order revoking his license; but so far as knowing that this record was in the office, so far as that is concerned, I knew the record was there, because I had the word of these gentlemen.

Senator BLACKBURN. I want to call the attention of the witness to the fact that he continues to use the phrase "revoking his license."

Commissioner ATKINS. I am much obliged. I did not mean to use the word "revoked." But, as I was going to say, I knew the fact of the existence of this record, and I placed confidence in those parties who mentioned it to me; and I will say more: I cannot undertake to discharge the duties of my office and go through all of those records. I write hundreds of letters which state facts the records of which I never see. It is impossible for me to do it, and it would be impossible for a dozen Commissioners of Indian Affairs to do it.

Q. The only thing that you heard of was that he was under obligation to Reynolds not to trade there, I understand?—A. No, sir; that was not the only thing.

Q. What else was there?—A. I had heard that he had been connected with cattle leases in some way that was displeasing to the Indians, and I had also heard—which turned out not to be true—that he was interested in cattle himself, in a herd of cattle upon the reservation. I had heard that, but that turned out not to be true. I did not state that that was a matter of record in the office, but that I had heard it. The

other matter was a matter of record—his connection with cattle leases and his being displeasing to the Indians was a matter of record—and it was a matter of record on the Senate files in the printed document I referred to the other day.

Q. From what was communicated to you by Mr. Andrews and your clerks, did you not understand that that matter had been up before your predecessor, Commissioner Price?—A. I am inclined to think that it was, but that did not debar me from going over the question; it did not debar me from exercising my judgment, if Commissioner Price had considered it. I am not here to impeach Commissioner Price or to speak unkindly of him, but I am here to say that Commissioner Price's opinions of a man's character in the matter of granting a license would not control my action. If this man was guilty of bad faith he was not a proper man to be there; he was not a man who ought to be there; and I do not think this committee can take that ground.

Q. But the point of it is this: Do you not think that if you had knowledge that Commissioner Price heard those charges, and had continued him there notwithstanding, that you ought as well to have examined the record before you notified him that his license would not be renewed?—A. I was informed of his record, but I did not go over it; I did not have possibly the time to do it—at least I do not know why I did not do so. But I was as well satisfied what his record was, and had made up my mind that he ought not to remain there.

By Senator CULLOM:

Q. Did your predecessor leave anything on record indicating his view of the question whether this man had acted badly or not?—A. Not that I know of. I will say this also: That so far as this is concerned, Agent Hunt filed a letter after this man was licensed by Commissioner Price in January, 1885, which letter was written on the 6th of February, but of course Commissioner Price never saw it. It was before he licensed Cleveland this last time.

By the CHAIRMAN:

Q. And you had not seen it before you told Mr. Cleveland that his license would not be renewed?—A. That is true; I had not.

By Senator CULLOM:

Q. Is there not anything on record, copies of letters or other papers, showing that Commissioner Price had considered the question of whether Cleveland & Co. had violated their obligations, and if they had, as between them and Reynolds, that they had their remedy?—A. I am not sure whether there is or not. I do not know.

By the CHAIRMAN:

Q. I wish to come to this point in your testimony: You say that when you were about to start West, which, as I understand you, was about the 5th of October, you remembered this case, and without thinking of Jackson, issued an order notifying Mr. Cleveland that his license would not be renewed?—A. It had no reference whatever to Jackson, so far as any negotiations that may have ever occurred between him and Cleveland were concerned, for up to that time I did not know that Jackson and Cleveland had ever had any negotiations.

Q. But did it not have some reference to making room for Jackson at that place?—A. So far as that is concerned it may be so. But I simply say that my refusal to renew the license of Mr. Cleveland had no reference whatever to any negotiations that I had ever heard of existing between Jackson and Cleveland.

Q. And that is all you mean to say when you say that you did it without thinking of Jackson?—A. Yes; that is just what I meant to say.

By Senator CULLOM:

Q. That you did do it, and that you did it to make room for Jackson?—A. No, sir; I did not do it to make room for Jackson; I would have revoked it if Jackson had been dead.

Q. When you gave Jackson a license you intended to make a place for him there?—A. Yes, that is true.

Q. And to do that you had to remove somebody, did you not?—A. That is true, so far as that is concerned, but still, at the same time, it was was not a matter of any concern to me specialy that Jackson should be a trader there. I granted the license just as I had a great many others.

Q. But you had given him a license to trade there in good faith and had to make a place for him there?—A. Yes, sir; I intended to treat him in good faith and allow him to trade, but I would not have relicensed Cleveland had Jackson been dead, so far as that is concerned, at that time. At a subsequent time I had a conversation with Senator Vest, in December I imagine it was, from the date of his letter—I presume it was then—that is the only reason I know, but I know it was late in the fall or early in the winter. I had a conversation with him in which he asked me to relicense Mr. Cleveland and asked me to relicense Mr. Reynolds, and I told him that I did not think I could do it with the promises I had out.

Q. If you had not given Jackson a license then, you would have done it at the time that Senator Vest called upon you and insisted upon your renewing the license of Cleveland?—A. I will be very frank; let me make a statement. Senator Vest called upon me and urged this thing. He said he was anxious for it to be done, and represented, I understood him, the friends of these parties and the creditors of these parties; that is the way I understood him. I did not understand him as caring specially for this man or the other man, but he was representing parties whom he did care for, being their Senator, and I called to his attention the objections that I had to Mr. Cleveland. I called to his attention this business of his bad faith, and I think I called to his attention the subject of his being connected with cattle leases, and being displeasing to the Indians, and I also said to him that I had heard that he had a herd of cattle on the reservation. Senator Vest apologized for him. He emphatically said he had no herd of cattle there and he apologized for the action with regard to the bad faith and said that as Commissioner Price had relicensed him—I think he urged that argument and endeavored to impress it upon my mind—it was not a sufficient cause for me to withhold a license from Cleveland. When I told him I could not do it, that I had given Jackson this license and intended him to have it in good faith, he then solicited me to license Jackson with Cleveland, or Jackson with Reynolds. He solicited me to do either one of the two. I did not tender it to him. I did it in response to his earnest solicitation, telling him that I did not want to do it, and that I would not do it unless Jackson was willing to do it, and I think, moreover, Mr. Chairman, as it comes to my mind, that I said to Senator Vest that they must go in on equal terms, meaning by that that each man must put in his capital. Now, let Senator Vest make his statement about it. I have had no conversation with him and do not know what he wishes to say about it.

Q. What I am trying to get at is an answer to this question: After this interview with Senator Vest, if you had not been incumbered by the license that you had given to Jackson, would you not have renewed the license to these men?—A. I think I might say in response to that question that I yielded a very reluctant assent to his proposition, and to be very frank I will say that in regard to Jackson I expected to keep good faith with him, having promised him the license, and Jackson's being licensed with Cleveland or Reynolds did not cut a feather's weight with me, and I would have given the license to Cleveland or Reynolds at the time under the pressure of Senator Vest's—I will not say importunity—but under the pressure of his solicitation, I possibly would have done so. But, sir, my mind was attracted to the subject of Mr. Cleveland's record that very day again.

Q. After Senator Vest went away?—A. After he left the room; and I wrote him a letter that evening and sent it to him by my messenger that evening, before the sun went down, stating to him that under no circumstances would I relicense Cleveland—under no circumstances would I do it, with Jackson or without.

Q. With a partner or otherwise?—A. Yes, under no circumstances; and I regretted that I had yielded reluctantly even to him and consented to do so.

Q. Have you a copy of that letter?—A. No, sir; I have not. Now, I wish to say just one thing further with regard to that matter. It has been said that I tendered this to Senator Vest. Now that may not be an intention to misrepresent me, because in speaking of my action after I had consented, or given my assent to Senator Vest's proposition, in speaking of it, it may be called a proposition of mine, a tender of mine. But it was not a tender of mine or a proposition of mine in the sense that I sought it or desired it. I wish that to be emphatic and distinct.

By the CHAIRMAN:

Q. I will ask you this question: Had any other case arisen in the administration of your office, in which you had notified the trader that his license would not be renewed, on information of the clerks that there was a record against him, without an examination of that record?—A. I cannot tell; I suppose I have.

Q. Is that the way you conduct your business—take what the clerks say, knowing there is a record, and without referring to the record?—A. I may have done so without referring to the record. Of course I would have the record told me, what it is, and sometimes I have the record before me. But sometimes I may have declined to renew a license upon statements made to me. I hope that I have clerks in my office whose word I can take, and if I should undertake to examine every record, as I said a while ago, upon which I write letters, and sign letters which are prepared for me from records, and which sometimes require a clerk to examine them two or three weeks in order to prepare a letter, and going over records of thirty, forty, or fifty years back, it would take all my time. How could I go over all those letters?

By Senator CULLOM:

Q. These tradership matters would not require that to be done?—A. Very good, but they are no more sacred than any others, and if you want my opinion, I think they are less sacred than any others, so far as the *personnel* of the parties is concerned, these in particular.

By the CHAIRMAN:

Q. But you put the ground of your notice to him that the license

would not be renewed, did you not, on his bad record in the office?—A. Yes, sir.

Q. And all you knew was what some clerk in the office told you?—A. I did not say "some clerk." I said I did it upon what the clerk who had charge of that desk, Mr. Andrews, said, and upon what the chief clerk said, and what the clerk who succeeded Mr. Andrews said, and they are here to answer for themselves. So it was not "some clerk."

Q. Who is the chief clerk of your Bureau?—A. Mr. A. B. Upshaw. I do not wish to have the words "some clerk" put into my testimony. I did not use that phrase.

Q. Still it is true, is it not——A. The clerks who had charge of this business——

Q. Wait a moment. Is it not true that you issued that notice to him knowing that there was a record in the office, upon information which some clerks had given you, without looking at that record? Is that not true?—A. I have answered your question.

Q. Returning now to your direct testimony before the committee, I observe that Mr. Upshaw, as Acting Commissioner, wrote a letter to Mr. S. M. Jackson, November 5, 1885, which was a month after your notice to Mr. Cleveland, asking him to "please advise this office at once as to what time you intend to forward your bond and commence business as trader at the Kiowa Agency. Some time has elapsed since your appointment, and, as the licenses of the old traders have been revoked, it is necessary that you commence your business there at once."—A. The word "revoked" was used, I reckon, just as I have used it frequently. It means declined to be renewed.

Q. When did you first see that letter?—A. I did not see that letter until after I got back in November, and I do not know when I saw it first. The letter was written while I was gone, and I do not know when I did see it.

Q. When did Mr. Jackson, in fact, forward his bond, if ever?—A. He forwarded it the last days of January or the first days of February, I forget which; about that time.

Q. I see afterwards here, speaking of Jackson, that you wrote him a letter dated January 14.—A. Yes, sir; demanding of him to return his license, or open his store on the 1st of February.

Q. That is not the one I refer to. There is one, I think, here; a letter written by somebody, saying to him that he can furnish a new bond and do business on his old bond until the new one is furnished. Here it is, your letter of January 23, in which you say, "You can forward your new bond, and open your store under the old license. The new license will issue as soon as the bond is approved." What do you mean by "new bond"?—A. That was in response to a letter that he wrote me asking me to allow some parties—I do not know who they were now; I do not think he named them; I do not know whether he did or not; I have not his letter—asking me to allow some parties to be licensed with him at that place, and I wrote that letter in response, that the parties' names would have to be put in the new bond; isn't that it?

The CHAIRMAN. No; that is not here, I think.

Commissioner ATKINS. Read the letter, please.

The CHAIRMAN. Yes; here it is. You say, "Your letter of inquiry received. If you desire to form a partnership, the names of all members of the firm should appear in the license."

Commissioner ATKINS. That is it. It meant this: I could not allow him to take in other parties without naming who they were.

Q. And giving a new bond for them?—A. Yes, sir; as a matter of course.

Q. That was January 23. How long before that had he forwarded his bond?—A. He had not forwarded it then at all; he forwarded it a few days after that. It was in response to that letter that he forwarded his bond and license.

Senator BLACKBURN. He says it was in the last days of January or the first days of February.

The CHAIRMAN. But he speaks in this letter of forwarding a new bond, which, to my mind, indicates that a bond had been forwarded prior to that.

Commissioner ATKINS. I suppose so, as a matter of course.

Q. You do not know how early it was forwarded?—A. I reckon his bond was forwarded me when I notified him of his appointment, which was the latter part of July—the 24th of July, I think.

Q. Do you know who gave bond for him, then, who was his surety?—A. I do not know.

Q. Was it his brother?—A. I do not remember.

Q. If it is in the office you can obtain it and send it to us.—A. I will do so. I declare I do not know who gave bond for him.

Q. Senator Beck had asked you to retain Mr. Brown there, had he not?—A. Yes, sir; he did.

Q. And Mr. Randolph Tucker and Mr. Eppa Hunton had asked you to retain Mr. Fred?—A. Yes, sir; they did.

Q. And Senator Vest, as I understand, asked you to retain either Mr. Reynolds or Mr. Cleveland?—A. Yes, sir; and to explain it to you fully: Having licensed Colyer and Sneed under one license, and having licensed Jackson under another, and not desiring more than four there, I did not expect to relicense Cleveland or any other parties there except the four. When Jackson dropped out I continued Reynolds there. That was the way of it.

Q. You spoke a little while ago—to go off from the line of your testimony a little—of writing a letter on the very evening, you think, of the interview you had with Senator Vest, recalling your conditional promise to let Mr. Cleveland and Mr. Jackson be licensed together?—A. Yes, sir.

Q. In consequence of what did you write that letter?—A. There were two reasons for it. I had promised Senator Vest that I would do so provided Jackson was willing to it. I did not want to force a partner upon him. In the next place, that very day Senator Jackson called at my office and told me that his brother had made other arrangements. I told him what I had done, that I had made that promise to Senator Vest, and also that very day my attention was recalled afresh to Mr. Cleveland's record by somebody, I do not know who. And I was in a hurry to write the letter, and I did write it.

Q. Had you entirely forgotten it when you told Senator Vest that you would license him?

Commissioner ATKINS. Entirely forgotten what?

The CHAIRMAN. Had you entirely forgotten Mr. Cleveland's record in the office when you told Senator Vest that you would license him with Jackson?

A. No, sir; I had not entirely forgotten it, because we had discussed it.

Q. It was in your mind then when you told Senator Vest?—A. It was in my mind, and Senator Vest argued that as Commissioner Price had reappointed him, it operated as a removal, as it were, of the objections

against him, and he said he did not think there was much in it, and urged me so that I finally yielded for the moment and consented to license him with one or the other, but regretted it immediately afterwards and took immediate and prompt steps to revoke it. Not five hours elapsed before I wrote the letter, and if I had not been employed as I was up to 4 o'clock it would not have been so long The interview took place about 11 o'clock, and not six hours elapsed before I had the letter at Senator Vest's house.

Q. Did Senator Vest ever communicate to you the fact that Jackson had made a proposition of this sort to Cleveland, or that Jackson's father-in-law had?—A. I have no recollection of Senator Vest's ever talking to me about this proposition of Jackson's.

Q. At any other interviews that you had with Senator Vest?—A. I have no recollection of it at all. If he did, he did it when these parties were present. It might have been. I do not know whether he was present with these parties or not. I do not know that Senator Vest ever discussed that question with me.

Q. After this interview, in which you recalled what you had said to Senator Vest, Mr. Cleveland did make a statement to you, and you told him that he discredited himself; you said to him, "You utterly discredit yourself," and you said it pretty energetically?—A. Yes; I did in substance say that.

Q. And yet, after that, you gave Mr. Cleveland to understand that he could trade there until Jackson got his goods on the ground, did you not?—A. I gave my consent for him to trade there in order that he could work his stock off.

Q. It was a consent to trade until the new traders got their stock on the ground?—A. Well, but that was not near as long—it was not what I supposed to be near as long—as he did stay there, so far as that is concerned.

Q. He would have been trading under it yet if he had accepted it?—A. If the new traders had not got there I would have revoked his license and put somebody else in there who would go there.

Q. But none of the new traders have gone there yet?—A. No, sir; because Mr. Cleveland held on until the 1st of June, and the other parties have been notified that they must open store or send in their licenses. But it was not because I thought Mr. Cleveland was a worthy man that I agreed to let him stay there; it was just to allow him to work his stock off. It was a kindness to him.

Q. You think the fact that the statement of Mr. Cleveland dated December 28, 1885, has an office stamp on it of January 2 is an absolute indication that it was received on that day?—A. Yes; that is my opinion.

Q. Is that the practice in the office in regard to stamping letters?—A. Yes, sir. Whenever a letter is filed in my office I send it over that day and seldom fail to do it. I send it over that day and then it is stamped.

Q. Would it be stamped the very day that it went into the office?—A. I presume it would.

Q. When you realize the fact that you telegraphed to Jackson on the 31st of December, which was between the date of the letter and the 2d of January, does it not occur to you that you probably sent that telegram after receiving the letter?—A. It does not, for this reason: I think that record is a correct one. There was no motive in the world for it to be otherwise than correct. I had no expectation of its ever being lled up, so far as that is concerned. Then I had another reason why I

did it. Mr. Jackson had promised to open his store there certainly by the 1st of January, and this was on the 31st of December, and I wanted to know where he was, or whether he had opened it, and wanted to know what he was going to do, and that was the last day before the time he was to open it. He was to open it on the 1st of January.

Q. In your letter of January 14, 1886, to Mr. Jackson you say to him: "Your license was issued about six months ago, and the licenses of the old traders have been revoked upon the expectation that the new traders would take their places at once."—A. As a matter of course, we expected the new traders to come in, and wanted him to be there by the time Cleveland's license expired, which was the 1st of February.

Q. You also say in this same letter, "The needs of the Indians require that they be relicensed or that the new men take prompt steps to begin business."—A. Very good.

Q. That was after your interview with Senator Vest?—A. That had reference to traders generally. You might say that it had reference to Reynolds, because Reynolds was licensed afterwards.

Q. I do not so read it. It was after your telling Senator Vest that you could not do it, was it not?—A. Yes, sir; of course it was.

Q. And you say here that "the licenses of the old traders have been revoked upon the expectation that the new traders would take their places at once." Nobody's license had been revoked except Cleveland's?—A. And then his had not been revoked. It was my expectation at that time to not relicense Reynolds, I think.

Q. When you used that language that "the licenses of the old traders have been revoked upon the expectation that the new traders would take their places at once," you referred to Mr. Cleveland, did you not?—A. I did not refer to the idea of relicensing him at all.

Q. And when you said it had been revoked you referred to Mr. Cleveland? There had been no notice sent to anybody else?—A. Of course it referred to him as one man who was there, but still it was not a declaration that I intended to relicense him.

Q. It was not true that any other party's license had been revoked, or that any other persons trading there had been notified that their license would be renewed?—A. I do not know. I think possibly Fred and Reynolds both had been notified that the license would not be renewed.

Q. And you do not think that this language I have quoted referred to Cleveland at all?—A. I do not, because Reynolds and Fred had both been notified that their licenses would not be renewed, as I understand.

Q. To whom had you extended a license, or agreed to extend a license, as a trader at Anadarko at that time? To whom had you given assurances of the extension of license?—A. I reckon to Mr. Brown, and to Fred, I expect, if I had given it to Fred at that time; I do not know whether I had or not.

Q. Will you look that up when you go home and see to whom you had given assurances on the 23d of January of an extension of license?—A. I will do so.

Q. In your letter of the 23d of January to Mr. Jackson, in which you say that he must go to the reservation and make arrangements to open his store by February 1st, you say, "I must insist upon this, as a further extension of the old traders cannot be granted." Mr. Cleveland had the assurance of an extension at that time, had he not?—A. Perhaps so; I cannot say about that.

Q. But you did not refer to Mr. Cleveland at all in that letter?—A. I did not refer to him in the sense that I intended to relicense him.

Q. Or extend his license further?—A. I cannot say that.

Q. As one whose license you could not extend?—A. I cannot say that. But I say that I did not refer to it with a view to relicensing him.

Q. Here is this Folsom report which has been put into the record. You say that you never saw that report until this investigation began?—A. No, sir; I never read it until this investigation began.

Q. It had nothing whatever, then, to do with your refusal to license Mr. Cleveland?—A. Oh, I had heard of the report, but when I do not know.

Q. Who told you?—A I heard it in the office among the clerks; I do not know who told me. I cannot say that it specially cut any figure in the matter, for I had enough to satisfy my mind not to relicense Mr. Cleveland without that. I put it in here for the purpose of showing who Mr. Cleveland is; that is the reason I put it in.

Q. Do you know who Mr. Folsom was?—A. Yes, sir; he was a special agent of the Indian Bureau.

Q. Is he still a special agent?—A. No, sir; he is not.

Q. Do you know whether Folsom at that time was endeavoring to secure for himself and another person a cattle lease from these Indians?—A. I do not know any such thing.

Senator BLACKBURN. I did not quite get the drift of your question, Mr. Chairman.

The CHAIRMAN. I asked him whether he knew that this special agent, Folsom, at the time he made this report was endeavoring to secure a cattle lease for himself and another party from the Indians.

Commissioner ATKINS. No; I do not know any such thing.

The CHAIRMAN. This report is dated November 19, 1884, and is "in relation to the complaint of C. A. Cleveland, trader, inclosed with your letter of June 8"; so that it seems to have slept from the 8th of June until the 19th of November without any action on his part.

By Senator BLACKBURN:

Q. I would like to ask this: You say Mr. Folsom was a special agent of the Indian Bureau?—A. Yes, sir; and had been for years.

Q. Was he a special agent in 1885?—A. He went out of office in 1885.

Q. Who appoints these special agents?—A. The Secretary of the Interior. Mr.Folsom was appointed by Mr. Teller, I imagine.

By the CHAIRMAN:

Q. Do you know which Mr. Cleveland is referred to in this executive document which you have submitted here, Executive Document No. 17, Senate, 48th Congress, 2d session?—A. I understood it to be C. A. Cleveland. Please repeat your question.

Q. Do you know which Mr. Cleveland is referred to in Executive Document No. 17, 48th Congress, 2d Session, which you introduced, and extracts from which were put into the record?—A. I think it refers to C. A. Cleveland. They were members of the same firm, however, he and his brother.

Q. In that extract where Thomas F. Woodard, employé and interpreter for Indians, says "We think that Fox and Cleveland are crowding things on us. They come up and embrace us and say 'give us some grass.' We think that as Cleveland is in the store here he should be satisfied with that, without grass, or get out of the country." You do not know whether that referred to Mr. C. A. Cleveland or his brother?—A. I understood it to refer to C. A. Cleveland.

Q. In the next letter, which is a part of the report, under date of

February 8, three days afterwards, P. B. Hunt, Indian agent, says, speaking of White Wolf and others, "I do not think they represent the views or wishes of a majority of their people or of the Indians on their reservation; but owing to the incessant importunities of W. H. Cleveland and G. W. Fox, in the manner indicated in their protest, and, as alleged, by other undue influences, these Indians have been worked up to an unnecessary state of excitement and bad blood on the grass question." That would indicate it was W. H. Cleveland, would it not?—A. I suppose it would in that case.

Q. Further on, in the same extract, Mr. Hunt says: "W. H. Cleveland is an employé of one of the traders at this agency, and has equal opportunities to talk and confer with the Indians."—A. He was just as culpable, if he kept a man there in his employ stirring up bad blood, as if he did it himself.

Senator BLACKBURN. I think C. A. Cleveland has testified here that his brother was a partner.

The CHAIRMAN. No. I understand that Mrs. Hutchins was a member of the firm, and the allegation was made in Folsom's statement that W. H. Cleveland represented Mrs. Hutchins.

Senator BLACKBURN, I think if you will turn back to the cross- examination of Mr. Cleveland before this committee, you will see that in answer to my question as to whether Mr. Cleveland had an interest in the firm of Fisher & Co., he said no, and went on to state further that he had an interest in the firm of C. A. Cleveland & Co. I read all the printed testimony of C. A. Cleveland and I think he testified to the fact that his brother was interested in the firm.

Commissioner ATKINS. His name is in the license, I believe.

The CHAIRMAN. In Mr. Cleveland's license?

Commissioner ATKINS. Yes, I understand it is. Mr. Osborn, who is here, knows.

Senator BLACKBURN. You will furnish us a copy of the license?

Commissioner ATKINS. Yes, I will do so.

The CHAIRMAN. In the letter of P. B. Hunt, Indian agent, which you put in, in reply to a telegram which you had sent to him on the 30th of January, 1885, he says, "I cannot recommend the renewal of license of C. A. Cleveland."

Commissioner ATKINS. I did not send the telegram to him; Commissioner Price sent it, and he writes back that he could not do it; that he would not recommend him, as he is not a fit man to be on the reservation.

Q. Well, the license will show whether he was a partner or not. I am a little in doubt as to the time when Jackson was licensed.—A. It was the 24th day of July, 1885, I think.

Q. Had you previously notified him that he would be licensed?—A. I had promised to do so, I think.

Q. Had you written him a letter saying that he would be licensed?—A. I am not sure but what I did.

Q. And do you know how early that was?—A. I reckon it was in June, but I do not know.

Q. What is Mr. Jackson's full name?—A. Samuel M. Jackson. I do not know what the "M" stands for.

Q. Had you known him before you licensed him?—A. I had never seen him before I licensed him.

Q. Had you heard of him through Judge Bond?—A. I never heard of him through Judge Bond at all.

Q. Who was it you heard of through Judge Bond?—A. That was Mr. Jacobs. Jacobs was the son-in-law of Judge Bond.

Q. I meant Jacobs. Do you know the full name and address of Jacobs?—A. I do not know. I never saw Jacobs in my life. He is of Jewish descent.

Q. Had you heard of him before, through Judge Bond?—A. No, sir. But, as I said in response to your inquiry some time ago, he was well recommended by parties whom I knew well in the city of Brownsville, Tenn., and by parties in Trenton, Tenn., also, where he at that time lived. He first lived at Brownsville and then at Trenton, I understood. I never saw the man and I never saw Judge Bond to remember him, although he is an old citizen, until last summer, but I knew him by reputation well, and I understand he is a Republican.

Q. Did it not occur to you, having told Jackson in July that you would license him, as he had not gone into the business up to December or January even—did you not think there was something strange about it?—A. No, sir; I did not think so. He told me this, as I explained the other day in my testimony, when I saw him in October. I never saw him but once before I met him on the train. He then said he was traveling for a commercial house and would like to defer beginning the business until the 1st of December or the 1st of January, and I told him that was all right. I did not suppose his absence from the reservation with a store would be any detriment to the parties already there.

Q. Did you understand, when you licensed him, that he had any money, any means?—A. I understood that he was a man of some means and good credit. His father was a man of good property and his brothers were very well off, and I understood that he was a young man of good credit and some means. He told me himself that he had sufficient means to run the store, and so did Senator Jackson. I want to put that right in there, for I do not know whether I have mentioned it before or not. Senator Jackson told me that his brother had ample means to run that store.

Q. It was in your office that he told you that?—A. Yes, sir.

Q. And the young man told you so also?—A. The young man told me so at the very time this thing occurred about selling his license.

Q. Had you seen the man before you licensed him?—A. No, sir; I never saw him before I licensed him. I licensed him in July and I never saw him until August. That was the time I told him it would not do him or the man he sold his license to any good, because I would revoke it, and I would revoke it by telegraph. That is what I told him, and he indignantly denounced it, and seemed to be hurt at it.

Q. When you used this emphatic or epigrammatic language to Mr. Cleveland, telling him that he had discredited himself, who was present at the interview?—A. Mr. Hunter was present.

Q. Any one else?—A. I do not recollect whether there was any one else or not. I do not think there was, although there may have been; I cannot say. There are always a good many persons in my office, but I think Mr. Hunter was present. When he first said to me that he made these objections to Jackson, that he had made these proposals, I said to him that it was very strange he had done a thing of that sort, for, as I understood, he had means and credit, and that his brothers were amply able to take care of him and assist him, and all that sort of thing. And Mr. Cleveland himself admits in his testimony that something of that sort was said. Then he proposed to go in with him, and I said to him, "Sir, you utterly discredit yourself in my estimation." Said I, "That statement against Jackson does not weigh a feather with

me"; and he did not move out of his tracks, after making the statement about Jackson making the proposition to him to put in his license and to get one-half, before he made the proposition to me to go in with him himself; and here is this correspondence which shows that he was perfectly willing to go in with him after this statement he said was made to him. Here is his letter right before me now.

Q. A drowning man will catch at almost any straw.—A. A drowning man will, but an honorable man will not.

Q. He was not so dishonorable in your opinion but that you extended his license to trade there.—A. But if he had been five times more dishonorable than he is I would have extended his time and allowed him to sell his goods and get out. The proof is clear that he bought two-thirds of his stock after I notified him that the license would not be renewed.

Q. Do you state that on the telegram received from Mr. Brown?—A. I say it can be established now. I do not vouch for it, for I do not know it; but I say it can be no doubt proved by Campbell and Brown, both of whom I know well—at least I know Campbell well, and I know Brown is highly vouched for by Mr. Beck and Breckinridge of Kentucky. The invoices in the office show over four thousand dollars worth of goods purchased after my notice was sent to him. Mr. Campbell makes that as an official statement to me, and he is the clerk of the agency. He makes the statement that the invoices show that over four thousand dollars worth of goods were purchased after I gave him notice on the 5th of October. His stock of goods on the first of June was estimated at not more than $6,000. I will say another thing right there, too, that not more than 25 per cent., I reckon (I am told so by men who have some knowledge of the business), of the goods of an Indian trader are of a character that can only be sold to Indians. The balance can be sold to anybody else just as well as to Indians.

Q. As late as the 22d of April you had to be pushed a little to say whether you would refuse to license Cleveland, had you not?—A. I had to be pushed?

Q. Yes; you had to be pushed a little by Mr. Hunter to say that you would not license Mr. Cleveland?—A. He may have applied to me at that time; I do not know.

Q. That is the day he took his appeal; that is the reason I speak of it.—A. He may have applied. He applied in April, and I declined to do it and that terminated it. I do not know about being "pushed." That was the time he told me he wanted to get his fee. There were gentlemen present who heard him say that.

Q. Do you know what the action of Commissioner Price was on this Folsom report?—A. I do not.

Q. Is it not of record in the office?

Commissioner ATKINS. The report?

The CHAIRMAN. The action of Commissioner Price?

A. I do not know; it is a question my attention has never been called to; I never have looked to see.

Q. You have no reason to suppose that he revoked Mr. Cleveland's license on that account, have you?—A. I do not know. I never spoke a word to Commissioner Price on the subject, and do not know what his views on the subject were.

Q. You found the Folsom report in some way or other?—A. I thought after this man had made charges here against me that were infamously false that I would look up his record, and I did it to show what kind of a man he is.

Q. Will you look it up for us, so that we can see what the action of Commissioner Price was on the Folsom report?—A. I will, yes, sir. But Commissioner Price's opinions do not guide my opinions of morality, although he is a very honorable gentleman. I might have one view and he might have another.

The CHAIRMAN. Of course we will not go into a comparison of views between Commissioner Price and yourself on that point.

Commissioner ATKINS. No, sir; I do not wish to institute it myself.

The CHAIRMAN. I have here two letters that the Commissioner has furnished the committee that were called for the other day which might be put in here.

Commissioner ATKINS. I should have put them in Thursday morning, but I overlooked them.

The letters referred to are as follows:

225 EAST CAPITOL STREET, WASHINGTON, D. C.,
May 29, 1886.

SIR: In view of pending action under resolution and reference in the Senate of the United States, I have to request that there be a suspension, until a conclusion is reached, of any action had by you looking to the closing and removal of the trading firm of C. A. Cleveland & Co., Indian traders, from June 1, 1886, from the Kiowa, Comanche, and Wichita Indian Reservation.

Very respectfully,

R. F. HUNTER,
Counsel for Cleveland & Co.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

———

225 EAST CAPITOL STREET,
Washington, June 3, 1886.

SIR: I have the honor herewith to request that pending the investigation, &c., directed by Senate resolution of inquiry of this date, there be a suspension of action on your order directing the removal of the firm of C. A. Cleveland & Co., Indian traders, from the Kiowa, Comanche, and Wichita Indian Reservation. And that until appropriate action be, had in accordance with the provisions of said resolutions, that said firm be, as heretofore, authorized to trade with said Indians.

Very respectfully,

R. F. HUNTER,
Counsel for C. A. Cleveland & Co.

The COMMISSIONER OF INDIAN AFFAIRS, *City.*

The CHAIRMAN. I will also put into the record at this point a copy of Special Orders No. 124, War Department, Adjutant-General's Office, dated March 12, 1867.

The following is the order referred to:

SPECIAL ORDERS, 53 *a*, No. 124.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 12, 1867.

* * * * * * *

8. By direction of the President, the disability of Robert F. Hunter, late first lieutenant Second United States Infantry, to re-enter the service, caused by his being cashiered (General Orders, No. 47, Headquarters Army of the Potomac, Washington, November 19, 1861), is hereby removed.

* * * * * * *

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

Official:

R. C. DRUM,
Adjutant-General

A. G. Office, July 22, 1886.

Hon. O. H. PLATT,
United States Senate.

Commissioner ATKINS. Here is a record on that same subject which I wish to put in. [Submitting a paper to the chairman.]

Senator BLACKBURN. Is there any objection to having this paper go in?

The CHAIRMAN. It is not evidence, but we do not stand strictly on the rules of evidence. It is nothing I desire to keep out of the record at all.

Senator BLACKBURN. I will not insist on its introduction if you have any objection.

The CHAIRMAN. There is no objection to it that I know of. It is the letter of the Assistant Adjutant-General referring to other records which he might wish to produce.

Senator BLACKBURN. Very well, then, I will retain it, with your permission.

By the CHAIRMAN:

Q. You say you found Mr. Jackson at your home when you got there in August?—A. I met him there that day; yes, sir.

Q. And then when you went again West you met him on the car accidentally?—A. Yes, sir; entirely so.

Q. Do you think it was accidental on his part?—A. Yes, entirely so; because he did not know of my leaving the city.

Q. He might have known it, if he was in communication with your office?—A. I do not know anything about that.

Q. Did it not occur to you as a little strange that when you got to your home in Tennessee he should be there?—A. No, sir; it did not, because he was a traveling commercial man. I never thought anything of the kind.

Q. You did not think there was anything strange in your meeting him without a notification?—A. No, sir; I did not.

Q. Where did you meet him on the cars?—A. I met him somewhere between Louisville and Bowling Green, or between Bowling Green and my home, I do not know exactly where. It was on the Louisville and Memphis Railroad somewhere that I met him.

Q. You said you had a long conversation with him?—A. No, sir; that is a mistake. I did not have a long conversation.

Q. Then you wish to correct your statement in that respect?—A. Yes, sir; I will correct it. I had a very brief conversation with him on that subject, and all I remember about the conversation was that he asked me to let him postpone opening business, saying that he was traveling and wished to do some other work for his house, and would like to have permission to open his store, I think, about the 1st of December or the 1st of January. I told him that was all right and I consented.

Q. You would like to have the correction made in your testimony. It reads now: "I met Mr. Jackson on the car accidentally and we had a long conversation on the subject of this tradership, though I have no recollection of it in the world except that he asked me to allow him to open there the 1st of December or the 1st of January."—A. I said we had a short conversation; I did not say a long one, because we did not have a long one.

Q. How far did you ride with him?—A. We were on the train together for several hours, but I did not have very much conversation with him. We did not sit on the same seat, for I was wearied and I did not talk with him very much.

Q. That is all then you can recall of the conversation. I was going to ask you to state it more fully.—A. I have no recollection of anything

that occurred in the conversation except what I state. I have no recollection of Mr. Cleveland's name being mentioned or any one else's, none in the world.

By Senator BLACKBURN:

Q. In your testimony here on Thursday, I believe it was, when speaking of your construction of the law of 1876, did you mean to be understood as saying that in your judgment, or as you construed that act, the power of appointment and the power of refusal to reissue a license as well as the power of revoking a license to Indian traders was a matter absolutely within your own discretion?—A. Yes; that was my meaning, and that has been the practice of the office ever since 1876.

Q. Now, I want to ask you this: In the matter of treating these licenses as terminating by virtue of their own limitation at the end of one year from the date of issue, were you or were you not following the unbroken precedent that you found established in the office when you came into it?—A. I was. That has been the practice since 1876.

Q. Do you know, and if so, state, whether it was unusual for a license to remain for six months or for a year after its issue without being used or put into effect by the party receiving it?—A. I understand that has been the case in the office in many instances for years. What instances I do not know, but I understand that has been customary.

Q. I want to know whether it was usual or unusual?—A. It has been frequently the case, as I understand the fact to be. I never thought anything specially about their having a license and not using it immediately, if there is anything specially wrong about it.

Q. Have you seen C. A. Cleveland's letter to Mr. R. F. Hunter which was dated on July 25, and which has been put in evidence here in this case?—A. Yes, sir; I have read it.

Q. Who showed you that letter?—A. I never saw it until I saw it in print.

Q. You never saw it until after it had been put in evidence here?—A. Not that I know of.

Q. It is not of record in your office?—A. Not that I know of. It was never filed in our office that I know of.

Q. It is not necessary to ask you in reference to the allegation made of your putting impecunious relatives into these tradership, for I believe you have already stated in your former testimony that there has been no one appointed who is kin to you or connected with you by marriage?—A. Yes, sir; the statement made was absolutely false that I had appointed anybody, not only kin to me, but that I had appointed any man whom I had reason to suppose had not the means to run a store.

Q. Have you any records in your office that would throw any light on that subject?—A. Yes, sir; I have.

Q. I wish you would produce them and show them to us.

The CHAIRMAN. I asked the Commissioner early in the investigation to give us all the papers referring to the Jackson matter, and I would like to have him do so.

Commissioner ATKINS. This does not refer to the Jackson matter. (To Senator Blackburn.) You asked for any letters showing my policy in making appointments; is that what you asked for?

Senator BLACKBURN. Yes.

Commissioner ATKINS. Here is a letter I wrote to Mr. W. W. Bandy, of Gleason, Tenn., who lives within 20 miles of me, which will show the policy I have adopted in regard to these appointments.

The following is the letter submitted by Commissioner Atkins:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, November 19, 1885.

DEAR SIR: I am in receipt of your communication of the 17th ultimo in regard to a tradership. Your previous letter did not reach me. If you have capital sufficient to run a good trading establishment at an Indian agency, and you will indicate at what agency you desire to establish yourself in business, I will try and give you a license, provided I have not already made an appointment or renewed a license at that agency.

There are no vacancies now in the Indian Territory traderships.

Yours, respectfully,

J. D. C. ATKINS,
Commissioner.

W. W. BANDY, Esq.,
Gleason, Tenn.

Commissioner ATKINS. That letter shows, I think, that my purpose was to license men who had capital and credit sufficient to run a store.

Here is another letter addressed by the Acting Commissioner of Indian Affairs, Mr. Upshaw, in my absence, to Mr. McClung, upon the same subject, which I will submit.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, November 3, 1885.

SIR: Replying to your inquiry of the 26th ultimo, you are informed that as soon as you decide definitely upon accepting the tradership tendered you, your bond should be forwarded at once to this office, and immediately upon the issuance of your license you should commence business at the Sac and Fox Agency. The expiration of the license of other traders should in no way influence you as to the time when you will begin business. The tradership was offered you in good faith; it should be accepted in good faith, if at all, and in good faith your stock should be promptly brought to the agency and offered for sale.

Complaints have reached this office that newly appointed traders at various agencies have delayed opening their stores in the expectation that the expiration of the licenses of other traders would force them to get rid of the balance of their stock at a great sacrifice, a sacrifice by which the new traders hoped to profit. To enable one trader to take advantage of another this office proposes to lend no assistance, and therefore insists that all newly appointed traders shall commence business promptly on the issuance of their licenses.

Without attributing to you any such motive for delay, I must urge that you be as expeditious as possible in establishing your trading-post at the Sac and Fox Agency, if you desire to trade there, and that your definite decision in the matter be made known to this office without delay.

Yours, respectfully,

A. B. UPSHAW,
Acting Commissioner.

HU. L. MCCLUNG, Jr.,
Sac and Fox Agency, Indian Territory.

By Senator BLACKBURN:

Q. Do those letters indicate the policy you have pursued generally, in regard to Indian traders?—A. Yes, sir; so far as they express any idea at all, they do.

Q. Have you read the letter addressed by Mr. Cleveland to the President, accompanying the appeal, or constituting the appeal, that was made to him in that connection in the matter of the refusal to license him?

Commissioner ATKINS. Is it written by Mr. Cleveland?

Senator BLACKBURN. Yes; it is signed by Mr. Cleveland, or possibly by Mr. Hunter as his counsel.

Commissioner ATKINS. I have read two letters of Mr. Hunter addressed to the President.

Senator BLACKBURN. Are they signed by Mr. Hunter as counsel?

Commissioner ATKINS. Yes; they are signed by Mr. Hunter. I read his letter of the 15th of May, 1886, the letter in which he speaks of all the charges against Mr. Cleveland being successfully refuted, and where he also speaks of my having tendered a partnership to Senator Vest between Jackson and Cleveland, neither of which statements are correct or true. He also intimates that I had for months "knowledge of Jackson's dishonorable propositions; and can he formulate a distinct reason why he sanctioned by acquiescence these infamous demands?" I have simply to say that any statement that I had known of any proposition by Jackson to Cleveland for months is absolutely false.

Q. You have already stated that the first information on that subject that was communicated to you by any one in any way, as I understand, was in the latter days of December, 1885, or the early days of January, 1886?—A. I have already stated it, and I restate it. I desire also to say that the allusion to me in that same letter comparing my action with that of ex-Secretary Belknap is simply infamous and slanderous.

Q. Have you read Mr. Hunter's letter to Senator Wilson, of Iowa, bearing date the 24th of May last?

Commissioner ATKINS. Is that the original letter addressed to Senator Wilson?

Senator BLACKBURN. Yes.

Commissioner ATKINS. The Senator sent me a copy of it.

Senator BLACKBURN. I will ask you about that; the letter is not in evidence, though.

Commissioner ATKINS. I should like to have the man who wrote it swear to it.

Senator BLACKBURN. It is not in evidence yet.

Commissioner ATKINS. Very well, Mr. Chairman, since the question is brought up, I ask now that the man who wrote that letter to Senator Wilson upon which this investigation is predicated be called upon to swear to it, and that his client be called upon to swear to it. I wish to say that it is a tissue of falsehoods from beginning to end.

Senator BLACKBURN. I will reserve the letter; it is not in evidence.

By the CHAIRMAN:

Q. I find in your previous testimony on this subject that you used these words:

> Now, Mr. Chairman, the other day a statement was made by Mr. Cleveland, signed by C. A. Cleveland & Co., I believe it was, that I was licensing my impecunious friends as traders. Sir, to characterize it with no softer language, that is false; I did no such thing. I never licensed any man that I supposed was impecunious, but had abundant reason to believe that he had the means and credit to run a store, for that was always an inquiry that I made. And as to Jackson, he told me himself that he had the means to run the store, and his brother, Senator Jackson, repeated it this last winter. I have not a relative on earth who has a drop of my blood, nor is there a man or a boy or anybody else connected with an Indian tradership who has a drop of my blood or that of my wife. Then the statement is absolutely, entirely, and wholly false,

and so forth. Now, you do not wish to be understood there as saying that you have not appointed friends who turned out to be impecunious, do you?—A. I wish to be understood as saying that I do not believe it is proven yet that I appointed any such men. When I appointed them I thought they were not impecunious.

Q. I understand that that is your precise statement, and therefore I ask you if you wish to be understood as saying that you have not appointed friends who afterwards turned out to be impecunious, although you supposed at the time they were able to carry on a store?—A. If they

are, Mr. Chairman, I have to say that there is no testimony that I credit that makes me believe that they are impecunious except Jacobs.

Q. Did you know this McClung?—A. Yes, sir.

Q. Was he a friend of yours?—A. I cannot say that he was. His father I knew well. I understand that he had means sufficient to run a store.

Q. Who, McClung himself, or his father?—A. McClung and his brother were going in together.

Q. Have they gone in?—A. No, sir; they declined.

Q. Do you think, still, that McClung was able to get capital to go into the business?—A. I think he could get any amount of capital that he wanted.

Q. Who was he recommended by?—A. I do not recollect, except that I have known his father always, and he was anxious for him to get it; and he has a relative in the city of Knoxville who is one of the largest wholesale dealers in the city, and I have no doubt he could have gotten goods from that man if he wanted to. That is my impression about it. He is a man of high family, his father is an old citizen there, and he himself has an irreproachable reputation.

Q. Do you know why he has not accepted the license?—A. He went down there with the hope that he would get that tradership all to himself, and finding that I would not allow that, I think he quit for that reason.

Q. Did he return his license?—A. Yes, sir.

Q. Did you call upon him to do it?—A. No, sir; he returned the license of his own accord; that is my information and recollection.

Q. How long did he keep it?—A. I do not think he kept it very long—two or three months, or a month or two; I do not know how long, but not very long. He wanted the entire monopoly of the trade at that place, and I declined to give it to him.

Q. Did Mr. Upshaw write that letter which has been read here at your direction?—A. By my direction? He wrote it in accordance with the policy of the office.

Q. But not by your specific direction?—A. I do not know whether he did or not; I cannot say; I imagine he did. It is in accordance with the policy of the office.

Q. Who was Mr. Bandy?—A. He was a young man whom I never saw in my life, but who was recommended to me by some very warm friends of mine at McKenzie, Tenn., eighteen miles from Paris, at the crossing of the Nashville, Chattanooga and Northwestern Railroad, the Memphis and Louisville branch, a place where everybody knows me. This young man was a favorite there with all those people, and they pressed me very much to give him an appointment as trader, and I had declined to do it except on those terms. I would have given him a place somewhere if I could have found a place where I would not have had to summarily eject somebody, except in the Indian Territory. I did not want to put anybody there at that time. In connection with that very question I also state that Mr. Knapp, the editor of the Saint Louis Republican, called upon me to know what my policy was about such things, and I stated to him what I had written to Mr. Bandy there, and I think I took that letter out and read it to him.

Q. When was that?—A. I do not know when it was.

Q. It was after some talk had been made about this matter?—A. I do not recollect when it was. It was sometime in the fall or winter.

Q. Did Mr. Knapp at that time call your attention to the communication to Mr. Dwight Treadway in the Saint Louis papers?—A. I do

not know whether he did or not. But he just asked me what my policy was, and I told him I did not want to license any man to go to a tradership unless he had means or credit to run a store, and it was not my desire for any new trader to exploit upon an old one. I used that very language to him.

Q. Are those two the only letters which you have indicating any such policy? Are those all the letters you have written on that subject?—A. I do not recall any others. They were written to persons in my own State, and I thought they indicated pretty plainly what my views were, as they were addressed to persons in my own State, one of whom was in a neighboring county.

Q. To return again to the language about which I did not examine you, I understand you to say that neither the President nor the Secretary of the Interior has any power over you in reference to granting these licenses?—A. I said that I did not think they had any power over me in granting or declining to grant a license, under that law, under the law upon which the office has been operated for the last ten years, unless it would be to correct any maladministration upon my part. In that respect, of course, I am responsible to them. But they have no authority, in my opinion, over the question of the appointment of traders under that law. That is what I said, and that is my opinion. But I said that, Mr. Chairman, as I hope the committee understood, with the utmost respect for both those functionaries.

Q. I understood you were laying down a matter of law?—A. That was simply all I desired to say.

Q. Upon referring to the Statutes I see that section 462 reads as follows:

SEC. 462. There shall be in the Department of the Interior a Commissioner of Indian Affairs, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be entitled to a salary of three thousand dollars a year.

I find, also, section 463, which reads as follows:

SEC. 463. The Commissioner of Indian Affairs shall, under the direction of the Secretary of the Interior, and agreeably to such regulations as the President may prescribe, have the management of all Indian affairs, and all matters arising out of Indian relations.

Senator BLACKBURN. What is the date of that?

The CHAIRMAN. That was passed in 1832. [To Commissioner Atkins:] Now, do you think this statute, to which you have referred, takes away from the Secretary of the Interior any supervising power in the matter of the renewal of licenses?

A. I think it does, and I have not only expressed that opinion here, but I have expressed it in the office frequently, and I am not sure but what I have expressed it to the Secretary himself. But at the same time, I qualify that with the remark that any maladministration by myself of that power, of course, would be under the supervision of the Secretary of the Interior and the President, as a matter of course. They have the power of removal, and they could remove me without cause, as far as that is concerned.

Q. But you do not think, if you should decline to license a trader that they could, on appeal, review your decision and direct the trader to be appointed?—A. I do not believe that they have any control over the appointment of traders.

Senator BLACKBURN. Except where that power has been abused by you?

Commissioner ATKINS. Except where there has been a maladministration of my office. That is my opinion, although I may be mistaken about the law. I will say this, Mr. Chairman, that I should be very glad to let the question be remitted to superior authority, so far as I am concerned, for I confess it is a very perplexing and vexing part of the duties of the office.

Q. Have you ever taken the opinion of the Attorney-General on any of the questions relating to the licensing of traders?—A. No, sir; I have not, that I remember.

Q. Or of the Assistant Attorney-General for the Interior Department?—A. I do not think I have at all. I have been following the unbroken line of precedents since 1876, under three or four Republican administrations, and the question did not occur to me. It has not occurred to me that there is any question about my authority.

Q. Do you know whether there is in the office, in connection with this charge that Mr. Cleveland, as a member of the firm of J. J. Fisher & Co., was under an agreement with Reynolds not to trade in the Indian Territory, any letter written by Mr. Cleveland to Commissioner Price, the former Commissioner, in which he denied that he was a party to any such agreement?—A. I rather think there is a letter of that kind denying it on the part of Mr. Cleveland, or his affidavit, one or the other, I cannot say which.

Q. Will you bring all the papers relating to that transaction that there are in the office, and let the committee examine them?—A. Yes; I will take great pleasure in giving you copies of them.

By Senator BLACKBURN:

Q. Are you quite sure that that is a letter or affidavit signed by C. A. Cleveland, or is it signed by W. H. Cleveland?—A. Well, it is an affidavit of somebody, I do not know who.

The CHAIRMAN. Please get all the papers there are, and then we can see.

Commissioner ATKINS. I do not know whether it is C. A. Cleveland or W. H. Cleveland, but I think there is an affidavit of somebody to that effect.

By the CHAIRMAN:

Q. I will ask you this: Is there kept in the office, by the person having charge of traders' licenses, or anybody else, a brief of the papers and transactions relating to individual cases?—A. There is a copy of the record of licenses granted.

Q. Is there not some brief on file in the office which shows all the papers in the case?—A. Yes, sir.

Q. Will you please bring up all the papers that relate to Mr. Cleveland since you have been in office, so far as they relate to this charge that he agreed not to trade there in Commissioner Price's administration?—A. Yes, sir; I will do so.

The select committee then adjourned until Monday, July 26, 1886, at 10 o'clock a. m.

WASHINGTON, D. C., *Monday, July* 26, 1886.

The select committee met, pursuant to adjournment, at 10 o'clock a. m.

STATEMENT OF GEORGE G. VEST.

Hon. GEORGE G. VEST came before the committee and made the following statement:

The CHAIRMAN. If you have any knowledge with regard to the refusal of Commissioner Atkins to relicense Mr. Cleveland as an Indian trader at the Kiowa, Comanche and Wichita Agency, the committee will be glad to have you state it.

Senator VEST. I want to say, in the first place, Mr. Chairman, that I have no sort of personal interest in these Indian traders, and care nothing about any of them, and do not know them. I cannot be very exact about dates, in the variety of public business here, especially in a matter in which I have no personal interest, and would not naturally take very particular notice about dates, and therefore have no memory about them to any extent.

But my first knowledge of this man Cleveland was, I think, about two years ago, when Hiram Price I know was Commissioner of Indian Affairs. Mr. Cleveland came here—or a gentleman representing himself to be Mr. Cleveland (I never had heard of him)—and brought me letters from very intimate friends in Saint Louis, personal and political friends, Major Bannerman, Mr. Caruth, and, I think, Mr. Rainwater (at least I know he brought letters from Major Bannerman and Mr. Caruth), stating that he was a man of good character, a customer, and friend of theirs, and that he had been an Indian trader for some years in the Indian Territory, but had sold out to a man named Reynolds, and that he now wanted a license to commence business again, but that Reynolds was opposing him, and they thought unjustly. Mr. Cleveland also made a statement to me to the same effect. Simply to oblige Major Bannerman, Mr. Caruth, and Mr. Rainwater, and without any knowledge of the matter, without caring anything in the world about it, I went, as any other Senator would, I presume, at once to see Mr. Price, the Commissioner of Indian Affairs. Commissioner Price stated to me that the trouble was that Cleveland was charged with attempting to go into the business again as an Indian trader in violation of a contract or sale which he had made to Reynolds, by which he had bound himself not to commence that same business again at Anadarko, Ind. T. Mr. Cleveland absolutely denied this, and after considerable trouble, the details of which I do not now remember, except that I know I did what I could for the man to oblige my friends in Saint Louis, he was relicensed. He was very grateful, indeed, and said he would never forget me, and all that sort of talk, and he went off and resumed his business and opened another store.

I never heard anything more of Mr. Cleveland, and never thought about him until he reappeared here after Mr. Atkins became Commissioner of Indian Affairs. But possibly I am too fast about his coming here. The next thing, I think, was that I received a letter from him, which I have in my hand, dated May 10, 1886. I have tried to look up all those letters, but I have got several thousand of them filed away on different subjects, and I could only find a few. Among my letters, however, I find this one from Mr. C. A. Cleveland:

ANADARKO, INDIAN T., *May* 10, 1886.

SIR: I have the honor to herewith inclose you a copy of an order from the honorable Commissioner of Indian Affairs, in which he orders me to close my place of business on May 31, 1886.

I have and still hope, with the honorable Commissioner, that I might get out of this business without loss and ruin, but as long as the honorable Commissioner appoints impecunious persons who only obtain their license to blackmail, I do not see how I am going to accomplish my purpose.

The status of my business is this: I have about $5,000 in buildings, and $15,000 in merchandise, purchased expressly for the Indian trade, and would not bring 50 cents on the dollar in any other market, to say nothing of the cost of transporting them to the State, it being 100 miles from here to the nearest railroad.

The honorable Commissioner knows all the facts. He knows also that I am willing to sell, and he also promised not to remove me until he appointed some one in my place. This he has not done, but ordered me to close, knowing that my buildings would be a total loss.

I would also state that Messrs. Sneed and Colyer, traders at Fort Sill, are now occupying my buildings at that place, taking possession without my consent, and although they know that said buildings belong to me, have never paid one cent for their use, and it looks as though my buildings at this place would meet the same fate.

The nearest that I have come to have an offer to buy me out was a proposition from S. M. Jackson to blackmail me, and as there was nothing small about him, he simply wanted one-half the profits for his license. The fact is, if I have to go I am financially ruined, and as an act of justice my license should be renewed or my successor compelled to buy me out. My only hope is through you, and I respectfully ask you to use your influence in my behalf.

Very respectfully,

C. A. CLEVELAND.

Hon. G. G. VEST,
United States Senate Chamber, Washington, D. C.

Senator VEST. I observe that that letter is dated May 10, 1886, at Anadarko, Ind. T.. That is the only communication I ever had in writing, that I recollect, from Mr. Cleveland. That letter incloses this copy, it seems, of the letter from the Commissioner of Indian Affairs of April 30, 1886, which is as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, April 30, 1886.

GENTLEMEN: This will advise you that the United States Indian agent at the Kiowa Agency will be instructed to close your trading establishment on June 1 next. You were given ample notice that your license would not be renewed, and have been given repeated extensions of your license in order to enable you to close your business without loss.

The above order will not be modified, and it is earnestly hoped that you can arrange your business so as to vacate the position without serious financial loss.

Very respectfully,

J. D. C. ATKINS,
Commissioner.

C. A. CLEVELAND & CO.,
Anadarko, Ind. T.

Senator VEST. That seems to be a copy. It is so marked and is copied in Mr. Cleveland's handwriting, and was sent me inside of his letter.

Senator BLACKBURN. What is the date of that notice?

Senator VEST. The date of the notice is April 30, 1886, and he was notified to close out on June 1. I do not pretend to give these matters in the order of time, because it is impossible to do that. But last summer, when I was at Sweet Springs, Mo., preparing to go to Montana with my wife, who was sick, Major Bannerman came up from Saint Louis with Major Rainwater, and they spent a day at the springs, and their business with me, as they understood I was about to leave the State for the summer, was to urge me to get Commissioner Atkins not to remove Reynolds and Cleveland. They stated to me that these men were old traders, knew the language and habits of the Indians, and the sort of trade that was going on there; that they enjoyed the confidence of the Indians; that they were entirely reputable men, and that if they

were put out it would ruin the men, Reynolds and Cleveland, financially, and would be a great loss to them, Major Rainwater and Major Bannerman.

The CHAIRMAN. They being merchants?

Senator VEST. Yes; and they were customers of theirs, had been dealing with them for years, and were indebted to them. They also stated that Commissioner Atkins was putting in Mississippians and Tenneesesans who were unused to the trade and did not know any thing about the Indians, and that it would divert the Indian trade, as we term it in the West, from Saint Louis, where it has been, to Memphis, and a good deal of that sort of talk.

I was in a great hurry, expected to leave the Springs the next day for Montana, and was very much distressed about my wife's condition, as she was very sick, and barely able to travel, and I told them I would write to Commissioner Atkins, but that I could not go to Washington; that was out of the question; that my first duty was to my wife, and I would not leave her in any state of the case, and my preparations were all made to go West by the advice of a physician, but that I would write to Commissioner Atkins. So I sat down in a great hurry and wrote him a letter (I do not know whether he kept it or not), but I am satisfied that I used expressions in that letter that I ought not to have used. If I did so, it was under the statements made to me and becauseI was irritated about other matters. I knew Mr. Atkins very well; we were old friends. I had very great regard for him, and I thought he had for me, and I wrote to him that I thought he was making a mistake in removing all those old traders, I assuming that what these gentlemen from Saint Louis had told me was true. I wrote him that I thought he was making a great mistake in removing the old traders, and that he ought to retain some of them anyhow, especially where they were known to be good men and accustomed to trading, who knew the Indians; that I understood very well what the pressure was upon a public official by his friends and neighbors, but that I did not think he ought to put so many Mississippians and Tennesseeans into that Territory. I then left for Montana and did not come back until September.

After I came back, I came to Washington City, I think about the middle or latter part of September. I think that was the date, for I was trying a lawsuit at Kansas City for a month after I got home, and I got home about the first of September. So that without recalling dates very well, I think I must have come to Washington about the latter part of September. I then had an interview with Commissioner Atkins. In the mean time I think I did get other letters from Bannerman and Caruth, but I am not positive about that; if so, I cannot find them, and must have destroyed them. At any rate, I saw Mr. Atkins in regard to allowing Cleveland and Reynolds to remain in the territory as traders.

I cannot state the date, and I cannot state all that passed between us, but my recollection is that the next thing that occurred was, Mr. Cleveland came here and called upon me in connection with this man Hunter, whom I had never seen or heard of in my life. They came to see me several times. Mr. Cleveland was very impatient, as most people are, and wanted it done, and done at once, and worried me a great deal. We talked and talked about it. He would come very nearly every day to my house on A street, and urge me to go to the Commissioner; and, to make a long story short, finally, as I was pressed and urged by these gentlemen and by my friends in Saint Louis, I went several times to the Department, I do not know how often, and finally

Mr. Atkins said to me, "Well, Vest, I cannot put both those men there, and I am not at all inclined to put Cleveland there, because he is charged with having herded cattle on the reservation; but I will do the best I can for you."

About that time I received a letter from Saint Louis, which I find amongst my other papers, from a gentleman there, Mr. C. P. Ellerbee, in which are copies, or what purport to be copies, of letters written by Mr. Jackson to Cleveland & Brother at Anadarko, one of then dated Rives, July 16, 1885. But I will say before I go further in regard to these letters, that I have no recollection about the dates myself, and can only recall the dates by the letters themselves. This letter to me from Mr. Ellerbee is dated Saint Louis, November 27, 1885, and after I got that letter I called on Commissioner Atkins; I think I called on him the next day or the day after.

The CHAIRMAN. After you received his letter?

Senator VEST. Yes, sir; after the letter was received, and I called his attention to these copies. I told him I did not know anything about those letters, and had never seen the letters, but that I knew Mr. Ellerbee and knew that he was a gentleman who would not send me these copies unless they were genuine and unless the originals were all right.

Senator BLACKBURN. That would be, then, about the 1st of December?

Senator VEST. Yes, I think about the 1st of December; about the time of the meeting of Congress. At any rate, it must have been after the 27th of November. The first of these letters from Mr. Jackson, which were inclosed in Mr. Ellerbee's letter to me, is as follows:

RIVES, TENN., *July* 16, 1885.

GENTS: We arrived home all safe and sound last Tuesday morning.

Will you please let me know the amount of stock you have on hand, and the value of your house? Also, let me know on what terms you would like to come in with me. My two friends who went out with me to look at the situation will not go back; they don't like the idea of living so far from home. I expect to be out about the middle of August. I have had several offers from parties in this part of the country to go out with me and furnish all capital necessary to run the business.

Trusting you are both well, and hoping to hear from you by return mail, I remain,

Yours, very truly,

S. M. JACKSON.

Post-office address, Dyersburg, Tenn.

Messrs. CLEVELAND & BRO.,
Anadarko, I. T.

The other inclosure from Mr. Jackson reads as follows:

DYERSBURG, TENN, *July* 29, 1885.

GENTS: I wrote you several days ago that I was ready for a proposition from you in regard to the matter we were speaking of. For fear you did not receive my first letter, I write again. Please let me hear from you by return mail as to what you are willing to do.

Yours, very truly,

S. M. JACKSON.

Messrs. CLEVELAND & BRO.,
Anadarko, I. T.

I expect to start for Anadarko in about two weeks.

Senator VEST. At the same time that I received those copies I received letters from Saint Louis stating that Mr. Jackson had been there, and with his father-in-law, Mr. Henley, he had been going around the city of Saint Louis making propositions to merchants there to buy a stock of goods on credit, exhibiting his license at the same time, and

that he had no money and was unable to raise any money, and had left there without buying the goods.

I called Commissioner Atkins's attention to these matters. I told him that he knew my feeling was entirely friendly to this Administration; that I was a Democrat, and that I was his friend personally. "Now," I said, "this is not right, Atkins, as you and I both know. Jackson ought not to be going around with that license trying to buy goods on credit and writing this sort of dubious letters, susceptible of the worst kind of construction, to this man Cleveland." I said, "He has no right to put you or the Administration into any such condition or position before the public, and I call your attention to it irrespective of whether I get this man Cleveland or Reynolds put back there or not." Mr. Atkins agreed with me entirely. He said, "I shall write to Jackson"—and he said it very emphatically and energetically, for he is an excitable man—"and demand of him that he go to that place at once and open his store with a lot of goods, or else I will revoke that license; he has no right to do it." I said, "You ought to remove him at once, in my judgment." Mr. Atkins said, "I will tell you, Vest, I feel that way, but Senator Jackson and myself are friends, and there is a condition of things in Tennessee that if I were to put this man out suddenly and harshly it would be susceptible of a wrong interpretation, and I do not want to do it. I want to give him a chance, but he shall not do this thing. I do not propose to have him going around the country with the license and without putting goods there, and I will make him put a stock of goods there or give up his license. I will see his brother, Senator Jackson, and tell him at once."

In that connection I will say that I came up to the Senate, and I went to Senator Jackson and showed him these copies of letters, and I said: "Now, Jackson, I know that you, like the balance of us, have some lame kin, but this brother of yours is going to give you trouble and is going to give Commissioner Atkins trouble, and I come to you as a friend and as a Democratic Senator to tell you just what he is doiug, and the first thing you know this thing will be in the papers, or there will be a committee of investigation demanded here, and the Republicans will make a howl about it that your brother is trying to trade off his license, and it will involve you in difficulty, and I thought it was my duty to come and tell you." He said he was very much obliged to me, but he said, "I think the matter is arranged now." "I think," he said, "Sam (his brother) has made arrangements for a stock of goods and is going right out there to open the store, but," he said, "I am obliged to you for coming to me with this information, and of course he ought not to have written those letters or gone to Saint Louis with that license to try to buy goods." He also said that General Jackson, his brother—"the general and myself have fixed the matter up, and he has now the money to buy a stock of goods and that will be the end of it."

Now, I am not positive whether it was before or after that that I had a conversation with Mr. Atkins in which he said to me, as I said before, that he did not want to put Cleveland back there; that he was accused of having a lot of stock on the reservation; but he said, "I will do this, Vest; I will give a joint license to Reynolds or Cleveland (though I prefer it should be Reynolds) and Jackson to open a store at Anadarko, and I will see that Jackson puts up his part of the goods and that he does right." That is the substance of what he said. I do not recollect the date when this occurred, but I know I said, "That is all right, Atkins; I don't want you to do anything which will embarrass you. I know your relations to the Jacksons and so on, but I do not care about

either of these men, either Reynolds or Cleveland. All I am trying to do is to meet the wishes of my friends in Saint Louis, who are good men, and I will write to them and let them say which one of those men shall go in with Jackson. It is a matter about which I know nothing at all."

I went right to my room, and inside of an hour I wrote and I think, telegraphed—I am not positive about telegraphing, but I know I wrote and I may have sent a telegram—to Bannerman and Caruth, stating what the Commissioner had told me, and for them to select the man, either Reynolds or Cleveland; that it was a matter that I cared nothing about, &c.

That very night or the next morning I was very much surprised to receive a note from the Commissioner, Mr. Atkins, stating that he had changed his mind on that subject, and that he could not license either one of them, and I think he also wrote to me not to say anything about it to Cleveland, not to notify anybody of what he said. But the letter had gone, or the telegram—I am not certain whether I sent a telegram, but I know the letter had gone, because that is the first one of those letters that was published in the New York Tribune, and has been put before the committee.

I was very much surprised, and more than that, I was irritated about it. I went down and saw Mr. Atkins immediately, and he told me substantially what he had written; that he had changed his mind; that he was not going to license either one of these men with Jackson; "but," he said, "I will see you about the matter hereafter," &c., and put the thing off, and that is the end of it.

This thing went on for three or four days, and then I wrote the second letter, which has been published. Still, I was under this irritation about his having put me in the position of having written my friends this thing, and then revoking it that night, as I thought without any reason, and then I wrote the second letter, which has been put before the committee. That is about all, I believe.

Something has been said here about a resolution of inquiry being introduced. I do not recollect what was said distinctly about that matter. As I said before, Mr. Cleveland and his attorney, Mr. Hunter, came to see me from time to time, and I was not very well at the time, and had no interest in the thing at all. My impression is that Hunter or Cleveland, one or the other, said something about a resolution of inquiry, and my remark was, my simple answer to it was, that I could not do that; that I was a Democratic Senator, and they must go to somebody else. I did not know what Mr. Cleveland's politics were; I do not know to-day what they are, but he always stated to me that he did not have any, that he did not vote and had not voted, and that there was not politics in it.

I understand Mr. Hunter says he saw me in the marble room of the Senate. To show how little I cared about it I have no recollection of ever seeing him in the marble room. So many send for a Senator to come out there that I have no recollection about it at all.

Senator BLACKBURN. Did you at any time tell Mr. Hunter or intimate to him your purpose of introducing a resolution of inquiry?

Senator VEST. If I did, I said what was said in that letter speaking about the Mississippians and the Tennesseeans taking all the tradership in the Territory, about which, as I frankly state now, I was irritated under the representations made to me. I said about what was in that letter--that I had thought about a resolution to know what was the condition of the traderships in the Indian Territory. I said that under the irritation produced by that sudden change of mind on the part of

the Commissioner, for which I have no doubt he had good reasons. I never at any time intimated—and any man who says so states a deliberate and willful falshood—that Mr. Atkins was guilty of any fraud or had any corrupt intent. I know him as well as anybody in the world, and I know he is incapable of any such thing. He is an irritable man like myself, an impulsive man, but a perfectly honest man. What I complained of was, that he had told me to write to my friends to pick out this man, and that he went back and revoked it the same night and put me in a bad position.

Senator BLACKBURN. Did you notify Mr. Cleveland verbally or by letter of this arrangement by which he or Mr. Reynolds, one or the other, were to be joined in the license?

Senator VEST. I do not recollect. I may have done so. But my whole connection with the matter grew out of my friendship to Bannerman and Caruth, at Saint Louis. I did not care anything about Cleveland.

The CHAIRMAN. Let me call your attention to the testimony of Commissioner Atkins upon this point. He says:

> When Mr. Vest came back I asked him. Said I: "Did you write to Mr. Cleveland or did you telegraph him that I had, in an alternative, conditionally consented to license him with Jackson?" He said: "No; I did not." "Then," said I, "no harm is done."

Senator VEST. I do not know about that. I may have told him that I had not telegraphed to Cleveland, but I did telegraph and write to Bannerman and Caruth. I do not remember the conversation, but no doubt what he says there is true.

The CHAIRMAN. That might lead you perhaps now to think that you did not write or telegraph to Cleveland.

Senator VEST. I do not think I did, but I have no recollection about it.

The CHAIRMAN. But you did to Bannerman and Caruth?

Senator VEST. Yes, I did to them, and I would not possibly have recollected that so well, but I saw one of the letters which appeared in the New York Tribune on that date, and I see that some days afterwards a second letter was written.

In regard to those letters I will say that I have here a letter from Major Bannerman in which he refers to the appearance of those letters in the public press. I was very much surprised to see my private letters written to a friend, with whom I had slept under the same blanket, with the past acquaintance I had with him—I say I was surprised to see my letters to him come out in the New York Tribune, and I wrote to him to know how it was that those letters had appeared, and here is the answer, which I think, in justice to him and myself, ought to be read. His letter to me is as follows:

MEYER, BANNERMAN & CO.,
Saint Louis, July 18, 1886.

DEAR SIR: I was amazed and shocked on seeing the publication of your letters to me. Mr. Cleveland, in whom I had the utmost confidence, to my mortification and shame, basely violated it. The last conversation I had with him, previous to his leaving, was that under no circumstances were you to be brought into this matter, as it certainly could not benefit his case in any way.

I am so thoroughly disgusted that I will never solicit your aid again for a friend of mine or in behalf of any one. This thing makes me feel that I have forfeited that privilege.

Trusting I have not entirely lost your confidence and esteem, which I value so highly,
I am, your friend,

JAMES BANNERMAN.

Hon. G. G. VEST,
Washington, D. C.

The CHAIRMAN. If it will not interrupt you, I will ask you this: You spoke of receiving a letter from Mr. Cleveland which was dated May 10, 1886, and which you replied to. Do you think you showed that letter to Commissioner Atkins?

Senator VEST. No, sir; I did not show that letter to him, because there were expressions in it which I did not think were just, and which I was certain would be disagreeable to Mr. Atkins, in regard to Mr. Atkins's motives, blackmailing, and so forth. The only things I ever showed Mr. Atkins were these copies.

The CHAIRMAN. You mean the copies that were sent you by Mr. Ellerbee?

Senator VEST. Yes, the ones Mr. Ellerbee sent me, and that was after November 27, 1885.

Senator BLACKBURN. Did Mr. Atkins read those letters when you brought them to him?

Senator VEST. I do not know whether he did or not. He knew the contents, because we discussed them. He was very indignant, and said that this man Jackson had done wrong.

Senator BLACKBURN. There is no proposition submitted in those letters.

Senator VEST. No, but the letters showed that he was negotiating for goods out there, and I recollect I said to Mr. Atkins, "I do not know this man Jackson, but the impression that these letters will make upon the public is that you have put in here an impecunious man who is trying to put up his license against a stock of goods, and that sort of thing ought not to be permitted. If he was trying to sell his license, that would be a plain, palpable case of corruption, but," I said, "he is trying to do nearly the same thing by getting a lot of goods in that way." Mr. Atkins was very much excited and said, "It is an outrage, and I will order him immediately to furnish his goods or I will revoke his license." And he then went on to say that he did not want to be harsh to the man on account of the peculiar relations between him and Senator Jackson in regard to matters in Tennessee.

To be frank to the committee, I understood, or Mr. Atkins made the impression upon me, that there was a sort of trouble in Tennessee between Senator Harris's friends and Jackson's, or between Harris and Jackson, and Mr. Atkins said, "I don't want to be mixed up in it. Jackson thinks now I am Harris's friend, but I am a friend of both of them; but if I were to put his brother out suddenly and harshly, without giving him a chance to comply with what he ought to do, Jackson might think I was actuated by my friendship for Harris and my enmity to him," or something like that.

The CHAIRMAN. Has that letter reference to anything else except this matter?

Senator VEST. Yes; it has a lot of personal matters in it in regard to things in Missouri that I do not care to put in.

The CHAIRMAN. You gave the date of it, did you?

Senator VEST. Yes, I gave the date; November 27, 1885.

Senator BLACKBURN. In that interview with the Commissioner was there anything said, either by you to him or by him to you, of any proposals from Jackson to Cleveland looking towards a partnership business?

Senator VEST. From Jackson to Cleveland?

Senator BLACKBURN. Yes.

Senator VEST. I will not be positive about that. I do not recollect all the details; I only have the salient points in my mind. The letters

themselves from Dyersburg showed there was something of a partnership talk between us.

Senator BLACKBURN. But you say you do not understand whether the Commissioner read the letters or not?

Senator VEST. I do not know whether he did or not.

Senator BLACKBURN. Did you leave them with him?

Senator VEST. No; I do not think I did. I suppose I have the copies here. The whole amount of it is, I just called Mr. Atkins's attention to the contents of those letters. Whether I read them to him or he took them and read them I could not say. I do not suppose he did that, because there were other matters in them entirely personal to myself that I would not have shown.

Senator CULLOM. But they were discussed.

Senator VEST. Yes; they were discussed, and the contents made known, I am confident of that, to Mr. Atkins.

Senator BLACKBURN. Those letters make no proposition except the general proposition about the partnership?

Senator VEST. That is all.

The CHAIRMAN. They ask Mr. Cleveland to make a proposition in regard to a partnership.

Senator VEST. I have looked for all the letters on that subject, and I have only found these.

I have here a letter dated October 12, 1885, which seems to be written by Mr. Cleveland to James Bannerman, of Saint Louis. I do not know where I got it. I must have got it at the same time I received the letter from Mr. Ellerbee, though I did not find them together amongst my papers. But I must have got it, because it refers to the inclosed proposition in Jackson's letters.

Senator Vest then read to the committee the letter referred to by him, and at the conclusion of its reading, after some discussion as to the contents of the letter, it was decided by the committee that it should not go into the record.

The CHAIRMAN. This letter which you have read was from W. H. Cleveland to Major Bannerman, of Saint Louis?

Senator VEST. Yes.

The CHAIRMAN. Did you or not communicate the contents of that letter to Commissioner Atkins?

Senator VEST. No, I do not think I did; I am very certain I would not have done that.

The CHAIRMAN. I am pretty certain you would not have read it to him.

Senator VEST. No, I would not have read it, for this reason: It was a sort of complaining letter which a man sometimes writes.

Commissioner ATKINS. If the chairman will allow me, I would like to ask Senator Vest a question. Have you my letter of the 5th of December?

Senator VEST. I do not think I have. I brought every paper I could find. The only letter of yours I have is dated April 30, 1886. I do not know what that letter of the 5th was.

I want it understood, gentlemen, that in my statement here I do not pretend to be accurate about dates or details, for I have no sort of earthly interest in the matter except what I have stated, and you all know from personal experience that it is simply impossible for a Senator representing a large State, with all its different interests, to keep dates in his mind. I only pretend to give the salient points as I recall them.

Senator BLACKBURN. Were you ever present at an interview with General Atkins when Mr. Cleveland or Mr. Hunter was there?

Senator VEST. I think I went with Mr. Cleveland once to Mr. Atkins. I do not recollect ever being there with Mr. Hunter; it might have been, but I do not recollect it. But I have an indistinct, nebulous sort of recollection that I went there once with Mr. Cleveland.

Senator BLACKBURN. Was there in that interview between Mr. Cleveland and Commissioner Atkins any discussion had in regard to the proposals made between Cleveland and Jackson?

Senator VEST. I do not know. I could not state. I have a very indistinct recollection about it. I have a slight recollection of going there with Mr. Cleveland, and I think Mr. Cleveland talked to Commissioner Atkins in my presence. My only idea was to help Cleveland the best I could.

Senator BLACKBURN. Have you any idea what time that was?

Senator VEST. No, I have not the slightest idea.

The CHAIRMAN. You were helping Mr. Cleveland because Meyer, Bannerman & Company wanted you to?

Senator VEST. Yes, they said they wanted to keep the trade at Saint Louis and I wanted to help my people. I had no interest in Cleveland. I knew Bannerman and Caruth; they were old friends of mine in the Army and afterwards, and it was very natural for me to want to help them.

Senator BLACKBURN. You have not the letter which Commissioner Atkins wrote you, but do you remember whether in that letter in which Commissioner Atkins told you that he could not carry out the agreement or arrangement that he had made with you that day, he told you that this man Jackson's brother, then Senator Jackson, had assured him that an arrangement with Jackson to go into business there had been made; do you remember whether that was stated in that letter?

Senator VEST. I have some indistinct recollection of that. But Senator Jackson told me the same thing, and I may have mixed the two. I have the impression, I rather think, that Commissioner Atkins did write me that.

Senator BLACKBURN. Did Senator Jackson tell you that his brother was able to run that business?

Senator VEST. Yes, I think so. He told me as I stated a while ago.

Senator BLACKBURN. That he and the general had arranged it?

Senator VEST. Yes, that he and the general were going to put up the money to buy goods and he was going out there to set up the store.

The select committee then adjourned to meet again at the call of the chairman.

WASHINGTON, D. C., *Friday*, *July* 30, 1886.

The select committee met at the call of the chairman, at 10.15 o'clock a. m. Present, the Chairman and Senators Cullom and Blackburn.

TESTIMONY OF HENRY W. ANDREWS.

HENRY W. ANDREWS was then duly sworn by the Chairman, and interrogated as follows:

By Senator BLACKBURN:

Question. Have you ever held a position in the Indian Office, Interior Department?—Answer. Yes, sir.

Q. For how long a time, and what position was it?—A. I was appointed in March, 1876, and dismissed the 15th of August, 1885.

Q. You held the position nine years?—A. Yes, sir.

Q. What position did you hold there?—A. For a year or two I did miscellaneous work.

Q. That was at the beginning, was it?—A. Yes, sir; and for about seven years I had charge of the licensed Indian trader's desk.

Q. Do you know anything of the action taken by the Commissioner of Indian Affairs in this Cleveland case with reference to the refusal to renew his license?—A. Yes, sir.

Q. Please state to the committee whatever may have come to your knowledge there, in the position you held as clerk at the licensed Indian traders' desk.

Mr. ANDREWS. Shall I go through it in my own way, or answer questions simply?

Senator BLACKBURN. You had better go through with your statement, making it as short as you can, and bring out all the facts.

A. Well, when General Atkins took possession of the Bureau, the first converstion I had with him he sent for me, and he said that he proposed to make new rules and regulations, and to put new men, to a certain extent in control of the trade on Indian reservations. He said that he was not familiar with the matter, and he wanted from me all the knowledge that I had on the subject, and wanted I should post him to the best of my ability. Of course I told him I would do so.

I think the first conversation I had with him after that was in regard to the renewal or granting of a license to one J. K. Moore, at Fort Washakie, Wyo. T. He called me over and sent for the papers in the case, which I took to him, and I found some gentlemen there, including one Senator, urging him to grant a new license, I think. Mr. Moore, I believe, had not had an Indian license the year before, and he wanted all the papers in the case to discuss not only Moore's case but the cases of the other traders there, so as to look the ground over and come to some conclusion in regard to it.

He also inquired as to the amount of trade of that agency; whether it would bear any other trader; and he came to the conclusion that it would, and directed me, upon the receipt of Moore's bond, which I then had—the bond and application—to grant a license to Moore. That, if my memory serves me right, is the first license that General Atkins granted after he took possession of the office.

Then applications came in pretty rapidly, accumulated pretty fast, and the applicants themselves, or their representative men who were urging their cases, would request me to bring their matters up, and every opportunity I could get, whenever I could get Commissioner Atkins' attention for any length of time, which was very seldom, I would bring up these matters which were on my desk and being pressed, and amongst the first that were brought up was the question of trade at the Kiowa, Comanche, and Wichita Agency.

Commissioner Atkins sent for me and directed that I bring to him the papers of the traders at the Kiowa, Comanche, and Wichita Agency. I selected them out. Each of the traders' papers are kept in the office by themselves in a jacket; the bond, application, all the recommendations, and most of the papers relating to them are all kept in a jacket together. I selected those out and took them over. General Atkins wanted to know my views of the *personnel* of the men, the amount of trade there, and who among those traders should go, if any, as he had made up his mind that it wanted a new deal there, as he termed it.

I had the papers of Reynolds, I had the papers of Fred, and I had the papers of Cleveland, in their respective jackets, and gave to Commissioner Atkins then my views of the situation,.the amount of trade, the names of the traders, the papers in the case, &c. He asked me if there were any objections to any of them. I said that I knew but little of the *personnel* of the men; I had seen Mr. Fred, I had seen Mr. Reynolds, and I think I told him that I had seen Mr. Cleveland (I now remember that I had seen Mr. Cleveland once, but I did not remember it the other day), and I told him there was nothing on file against any of the traders there except Mr. Cleveland. He wanted to know what the charges against Mr. Cleveland were. I told him that it was represented by the papers on file, and which I held in my hand, that Mr. Cleveland was a junior partner of the firm of J. J. Fisher & Co.; that J. J. Fisher & Co. sold out to Reynolds with the verbal or written understanding, or both, that no member of that firm should engage in trade on the Kiowa, Comanche, and Wichita Reservation as long as Reynolds remained there.

I also told him that in the papers I had I had letters from Reynolds, I had a letter from J. J. Fisher, I had a letter from Moller, who was one of the firm of J. J. Fisher & Co., and some other papers, and that there was not any doubt about Mr. Cleveland being a partner of J. J. Fisher & Co.; and that Reynolds claimed that he paid, indirectly, quite a bonus for them not to engage in trade while he remained there. I told him that Reynolds did not claim that he paid, directly, any specified sum of money for them to remain away, but that he took an old stock of goods at par, at cost, with that understanding; that Reynolds had said in a communications that he took the stock at cost knowing it was more than it was worth, but it was with a view of having the trade there which Fisher & Co. had formerly had.

I told him that Cleveland made application for a license afterwards; that he filed pretty strong papers, and filed the proper bond and application, and that a license was granted to him.

By Senator CULLOM:

Q. By whom?—A. By Commissioner Hiram Price. I told him that upon Mr. Cleveland's appearing at Anadarko with a license, Mr. Reynold's immediately wrote the office, wrote to Fisher and other friends in Saint Louis, as the records showed by their forwarding his letter claiming that great injustice was being done him; that he had bought out Fisher & Co. with the understanding that no member of that firm should engage in trade there while he remained, and demanding that the Commissioner take the back track and revoke the license. That was done by Mr. Price; that upon Reynold's letter, Moller's letter, Fisher's indorsement or letter, and some other evidence which I do not now recall, Commissioner Price directed me to revoke the license.

This must have been, I reckon, about the middle of December, 1882, that the license to Cleveland was revoked. That ran along then until the spring, I think, of 1884. Some time, perhaps, in January or February, 1884, Mr. Cleveland was granted a new license. You could hardly call it a renewal of the old one, for I think there was a new bond and application at that time.

By the CHAIRMAN:

Q. You are telling now what you told Commissioner Atkins?—A. Yes, sir. I told him all these particulars. Some time in January or February Commissioner Price granted a new license to Mr. Cleveland.

By Senator CULLOM:

Q. To run for a year?—A. Yes, sir; for one year.

By the CHAIRMAN:

Q. That was February, 1884?—A. It was January or February, 1884, I should say; I may be mistaken about the date. General Atkins told me that he had not time to look into the matter then, but he wanted I should make a memorandum of the facts I had stated to him, and call the matter up at some future time when he had time to look into it, and said if what I had stated in regard to the contents of the record was true, Cleveland ought not to remain there as long as Reynolds did; that he ought not to be permitted to, but that he would give the matter attention in the future.

By Senator BLACKBURN:

Q. About what time was this conversation between you and the Commissioner?—A. I should think he had been in charge a month, perhaps, which would make it about the last of April or somewhere in that neighborhood. It may have been a little earlier or a little later than that.

Q. Did you have any subsequent interviews with General Atkins with reference to this Cleveland application?—A. I did.

Q. Give the substance and date as near as you can.—A. My impression is that the next time the matter of this Kiowa, Comanche, and Wichita Agency was brought up—we were bringing up the different agencies every day or two, or as often as I could—was, perhaps, two or three, or three or four weeks later than that. My impressiou is that one of the traders was here importuning Commissioner Atkins to grant him a license or renew his license, and that was the occasion of its being brought up at that time. I think it was Mr. Brown. Then the matter was gone through with somewhat similarly again, and the whole thing was discussed—Mr. Cleveland, Mr. Brown, Mr. Fred, and Mr. Reynolds.

Q. At what time was that?—A. I should think some time in the month of June.

Q. Did you have any conversation with Commissioner Atkins relative to the Cleveland application after that?—A. I hardly think I did, because I was discharged on the 15th of August following, and I have no recollection of the matter of that agency being brought up again; it might have been.

Q. Did you or not ever say anything to the Commissioner with reference to a complaint against Mr. Cleveland for being interested in any grazing leases, cattle leases, on the reservation?—A. I hardly think I did.

Q. You say that in the first interview you had with Commissioner Atkins when you took the papers over and told him what the record contained, referring to the letters of Reynolds, Fisher, and Moller, that he told you that he had not time to look into them then, but that he would do it subsequently, and if those things were found to be substantially as stated, he would not relicense Mr. Cleveland?—A. Well, he said that he ought not to be there.

Q. What is the practice in that office with reference to the duration of the licenses issued to Indian traders?

Mr. ANDREWS. Do you mean how long are they given for?

Senator BLACKBURN. Yes.

A. They are issued for one year.

Q. All of them?—A. Yes, ever since 1876.

Q. Had you had any information from Burgess Hunt, the general Indian agent out there, or any advice from him in reference to the reissuing of a license to Mr. Cleveland; I mean had the Indian Office been been advised?—A. He reported against it.

Q. Mr. Hunt reported against the reissuing of a license?—A. My recollection is that he——

The CHAIRMAN. Whatever it was, it was in writing?

Mr. ANDREWS. Yes; there was nothing else but that.

The CHAIRMAN. You may state what it was.

Mr. ANDREWS. My recollection is that he said he could not recommend the renewal of Mr. Cleveland's license.

Senator BLACKBURN. Did you call Commissioner Atkins's attention to that?

Mr. ANDREWS. That was among the papers that I had in my hands—Mr. Hunt's report—and I presume I mentioned it.

Q. Do you know the date of that report?—A. No, sir.

Q. Do you know whether that report was received in the Indian Office before or after Commissioner Price relicensed Mr. Cleveland?—A. I cannot tell.

Q. It is on file?—A. Yes, sir.

Senator CULLOM. The documents ought to show that.

Senator BLACKBURN. Has that document been brought up here?

Mr. OSBORNE. Yes, sir.

Senator CULLOM. I do not see the object of questioning the witness about the contents or the date when the original is on file.

Senator BLACKBURN. I was not asking for contents or dates, but only whether he called Commissioner Atkins's attention to the fact that a report against Mr. Cleveland's being relicensed had been filed by the agent.

Senator CULLOM. That is legitimate. While they are looking at the papers, if you will allow me, I will ask the witness a question or two. [To the witness:] Was Mr. Cleveland licensed after there was a question raised by Mr. Reynolds as to the right to trade there, once or twice after that?—A. Once, I think.

Senator CULLOM. Was not the license renewed in 1884, and then again in February, 1885, after that?

Mr. ANDREWS. Yes, sir; I should think it was.

Senator BLACKBURN. I will just put this letter in evidence now. This is the Commissioner's letter, under date of February 1, 1884, to P. B. Hunt, the Indian agent.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., February 1, 1884.

SIR: Inclosed please find, for the files of your agency, copy of a license this day granted Charles A. Cleveland to trade with the Indians of your agency, for the term of one year from this date.

Very respectfully,

H. PRICE,
Commissioner.

P. B. HUNT,
United States Indian Agent,
Kiowa, Comanche, and Wichita Agency, Anadarko, Ind. T.

Senator CULLOM. What date is that?

Senator BLACKBURN. It is dated February 1, 1884.

Mr. ANDREWS. I drafted the letter.

Senator BLACKBURN. Now, was there not a license on February 1, 1885?

Senator CULLOM. That is what I want to know. Was not the license reissued or renewed February 1, 1885?

Mr. ANDREWS. I think so.

Senator CULLOM. So that he was twice licensed after this controversy about his right to trade there, by Commissioner Price?

Mr. ANDREWS. I have forgotten about that, but he was relicensed in in the spring of 1885.

Senator CULLOM. That shows that he was licensed in 1884.

Mr. ANDREWS. Yes, that must be so. I did not notice the date of that.

Senator BLACKBURN. Yes, this is February 1, 1884.

Mr. ANDREWS. That is February 1, 1884, and it was renewed in 1885.

Senator CULLOM. For another year?

Mr. ANDREWS. Yes, I had forgotten about that. That is correct.

Senator BLACKBURN. I believe that is all I have to ask.

By the CHAIRMAN:

Q. Do you sustain any relations to the office of Indian Affairs at the present time?

Mr. ANDREWS. In what respect?

The CHAIRMAN. I ask you if you sustain *any* relations to the office?

Senator CULLOM. Official relations?

The CHAIRMAN. Any relations.

Mr. ANDREWS. No, sir. I do some business there occasionally as my correspondents ask me to; that is all.

Q. As attorney for traders—is that what you mean?—A. No, sir; I am not an attorney.

Q. Who are you in correspondence with?—A. I have the settlement of a few ex-Indian agents' accounts. I represent contractors, or have upon several occasions. I have represented some ex-traders and some traders.

Q. Well, then, not being an attorney, you act as agent for parties who have business at the office, and transact business for them?—A. Yes, sir; I do their errands for them when requested.

By Senator CULLOM:

Q. For pay?—A. Yes, sir; for pay; but I do not very often get any.

By the CHAIRMAN:

Q. You have told us about having had a conversation with Commissioner Atkins in regard to Mr. Cleveland, two of them, or perhaps three. At one of those conversations you told him you had papers relating to the Cleveland tradership in your hand. Did you ever lay those papers before him?—A. I do not think I ever showed them to him. I do not think I ever took them out of the jacket to show them.

Q. Was Mr. Jackson appointed or licensed as a trader at that agency while you were still in the Indian Office?—A. I think so.

Q. Commissioner Atkins never sent for those papers to you that you remember?—A. They all came to me.

Q. I say he never sent for them, or for you to give them to him for his personal inspection?—A. I do not remember that he did. I had the recommendations and the bond and the application and so forth, but whether I was ever called upon to take them over or not, I cannot tell you.

Q. I refer, of course, to the papers which charge Mr. Cleveland with being in some way bound by the agreement with Reynolds not to trade

there. So far as you know, Commissioner Atkins never called for those papers and never saw them?—A. I do not think I ever opened the package to show them; no, sir.

Q. Did you have any conversation with him about the time that he appointed Jackson, with reference to these matters?—A. I have no recollection of any. I think Jackson was appointed before I was discharged; before I was dismissed.

Q. Well, he understood from you that this whole matter had been before Commissioner Price, with reference to the licensing of Mr. Cleveland, did he not?—A. I do not know whether we went back and talked that over or not; I cannot say whether we talked that over or not. It was a pretty difficult matter to get at Mr. Atkins at that time, and I used to have to wait an hour to get a chance to speak to him a minute.

Q. But did you not, at the first conversation you had with him, tell him that all those papers had been before Mr. Price as Commissioner, and that Mr. Price had then issued his license?—A. I have no recollection of it; I presume I did. That was a part of what I was directed by him to tell him. He told me always to give him all there was of the case, and I could not have given him all there was unless I gave him that, but I have no distinct recollection about it.

Q. He understood, did he not, from your conversation, or you informed him that Mr. Cleveland's license had first been revoked on this communication of Reynolds, and afterwards reissued to him—Commissioner Atkins knew that?—A. I should have told him that; if I did not, I neglected it.

Q. You have no doubt you did tell him that, have you?—A. I presume I did.

Q. You testified a little while ago that you did.—A. Yes, I gave him all there was of it as far as I know; I intended to, at least.

Q. There has not any doubt come into your mind since your direct testimony on that question?—A. No, sir; I have not heard anything to change it.

The CHAIRMAN (to Senator Blackburn). Let me see that letter of Mr. Hunt's.

Senator BLACKBURN. This is a letter to Mr. Hunt from Commissioner Price. Mr. Hunt's letter advising that Cleveland be not relicensed is already in the testimony. It was thirteen days after this.

Commissioner ATKINS. Will the chairman allow me to explain that point?

The CHAIRMAN. Certainly.

Commissioner ATKINS. I understand that the letter transmitting the license for 1845 is dated February 1, 1885, but I understand also that the license itself was dated the 13th of February, but dated back to the 1st of February.

The CHAIRMAN. It was actually issued on the 13th of February, but dated back?

Commissioner ATKINS. Yes. This letter of transmittal is dated the 1st of February.

Senator CULLOM. Was that before or after Mr. Hunt's report?

Commissioner ATKINS. It was before, because Mr. Hunt's report was on the 7th of February, 1885, and it would take I do not know how many days to have gotten here.

The CHAIRMAN. What is the date of Mr. Hunt's letter?

Commissioner ATKINS. February 7, 1885, and how many days it would have taken it to have come from Anadarko here I do not know.

Senator CULLOM. And the license, though actually issued on the 13th of February, 1885, was really dated on the 1st?

Commissioner ATKINS. The license bears date the 13th of February, but was dated back to the 1st of February, and the letter of transmittal is dated the 1st of February.

The CHAIRMAN. What is the regular time by mail for the transmission of letters from Anadarko to Washington?

Mr. ANDREWS. About five days, I think.

The CHAIRMAN. It appears then that on the 7th of February, 1885, there was a letter from Mr. Hunt, the Indian agent, saying, in substance, that he could not recommend the renewal of Mr. Cleveland's license, on account of the agreement made by J. J. Fisher & Company when they sold out to Reynolds; and Commissioner Atkins thinks that the license or renewal of the license to Cleveland was actually issued on the 13th of February, six or seven days afterwards. Do you remember whether there was any communication addressed to Mr. Hunt in the mean time by letter or telegram?

Mr. ANDREWS. That would be by Commissioner Price, would it not?

The CHAIRMAN. Here is the letter, and you will recollect it when you see it [exhibiting a letter to the witness].

Mr. ANDREWS. Yes; this appears to be in reply to a telegram of the 13th of January.

By Senator CULLOM:

Q. A telegram from whom?—A. Commissioner Price.

Q. What was it?—A. My recollection is, and I should judge from this reply, that it was asking his views in regard to the relicensing of Mr. Cleveland.

The CHAIRMAN. Did not Commissioner Price relicense after he got that letter, in fact?

Senator BLACKBURN. Will not the dates of the communications show?

The CHAIRMAN. I want his knowledge.

Senator BLACKBURN. The only point of objection is the one that the Senator was making against me a minute ago, that it is a matter of record now.

Mr. ANDREWS. I could not say.

Senator CULLOM. There seems to be something mixed about the dates.

Senator BLACKBURN. No, the letter is perfectly plain. The letter was dated the 7th of February, and it would take five days to get here, which would make it the 12th of February, and the license was issued to him on the 1st of February.

Senator CULLOM. No, on the 13th.

The CHAIRMAN. Commissioner Atkins says it was the 1st of February.

Senator BLACKBURN. Then Commissioner Atkins is mistaken. The report of Agent Hunt was filed on the 13th, and the records of the office show that that reissue was made thirteen days before Agent Hunt's report or protest ever reached the office.

The CHAIRMAN. Is there anything here which shows when that was filed?

Commissioner ATKINS. What I have stated was simply my understanding about the matter. I am not positive about the dates, but that is what I understand, that the letter is of the 1st of February, 1885.

Senator CULLOM. Our information is that Commissioner Price telegraphed to him, stating to him that unless he preferred charges against

him he should issue the license, and the license was issued, irrespective of the agent.

The CHAIRMAN. Commissioner Price telegraphed him, according to his letter of the 13th of January.

Senator BLACKBURN. Well, let us call for the telegram, if there is such.

Commissioner ATKINS. If there is such a telegram we will produce it.

Senator CULLOM. I think that is the safer way. I do not want to take any advantage of the fact, but there seems to be a little doubt as to the true history of it.

Senator BLACKBURN. Well, file the record of relicense. The records of the office will show that.

Senator CULLOM. And it also will show the correspondence that the Commissioner had.

Senator BLACKBURN. Yes, all the correspondence. The chief clerk tells me that the record book shows that this license was issued on the 1st of February, whereas that report of Agent Hunt was dated at Anadarko, on the 7th of February, and received and filed here on the 13th.

The CHAIRMAN. I will try and get at Mr. Andrews' recollection on that subject if he has any. [To the witness:] Do you remember anything about the renewal of that license?

Mr. ANDREWS. No, sir; I do not. This printed record of the evidence taken before this committee refreshes my recollection and enables me to remember more than I did before.

The CHAIRMAN. Then you cannot throw any light on the question whether this letter of Mr. Hunt's, which was dated on the 7th of February, was received by Commissioner Price before or after the actual issuing of the license?

Mr. ANDREWS. No, sir; not without referring to the records I could not say.

By Senator CULLOM:

Q. Will the records show all those facts?—A. Yes, sir.

Q. The whole history, the correspondence, and all?—A. The records will show the date the license was issued, but it is very often the case that a license is not dated the day it is transmitted or the day it is executed.

Q. Do you remember any correspondence between Commissioner Price and Mr. Hunt as to the propriety of reissuing the license to Mr. Cleveland?—A. I should not have done so if it had not been for this printed copy of the evidence here.

By the CHAIRMAN:

Q. Let me ask you this: The record which you kept would show the date on which the license was actually issued, whatever might have been the date, whether it was antedated or not; it would show when it was actually issued?—A. Yes, sir; the letter transmitting it and the copy of the license is recorded, and of course the date when it takes effect. It may not take effect the day it is issued or even signed. It may vary a month or a half a month.

By Senator CULLOM:

Q. The letter of transmittal will be in the record, will it?—A. Yes, sir; and the letter of transmittal will give the date of the license also.

Senator BLACKBURN. We will ask you to bring that up, together with any correspondence that may have taken place between Commissioner Price and Burgess Hunt.

By the CHAIRMAN:

Q. Do you remember anything about this Hunt letter except as your attention has been called to it?—A. No, sir; I did not. I remember it now. I remember the original as I see it in the record here.

Q. But you did not remember it before?—A. No, sir.

Q. Do you remember whether or not this letter being received by Commissioner Price, you had any consultation or talk with Commissioner Price about that letter to Hunt?—A. I have no recollection of any.

Q. That letter would come to your desk? – A. Yes, sir; it would come to my desk.

By Senator CULLOM:

Q. How long do you say you have been out of the office?—A. I was dismissed the 15th of August, 1885.

Q. What do you mean by "dismissed?" Were you turned out?—A. I was told to quit.

Q. Were there any charges against you?—A. I never asked the question; I don't know whether there were or not. I suppose it was because I had bet on the wrong horse the year before.

Commissioner ATKINS. Mr. Andrews was dismissed when I was absent.

Mr. ANDREWS. When Commissioner Atkins came back, he said I had taken advantage of his absence to resign. I never asked the reason for my dismissal.

Q. Where were you when you were dismissed?—A. I had been out riding with some ladies, and I drove up to my house to get a drink of water, and the servant handed me a letter, and I opened it and found it said that my services were no longer required, and I tore it up and finished my ride.

Q. Where had you been a day or two before that?—A. Well, I always thought that what broke the camel's back was my going over to General Grant's funeral in New York. I took the liberty of going over there to see the funeral.

Senator BLACKBURN. I do not see the competency of this evidence, although I will give all the latitude that is desired.

Mr. ANDREWS. I never asked the question why I was discharged of any living being, and never have been told the reason.

By Senator BLACKBURN:

Q. Was the Secretary of the Interior in company with you at General Grant's funeral?—A. I saw most of the officials there.

Q. Was he and the Assistant Commissioner of Indian Affairs also with you at that funeral, as well as the chief clerk, Mr. Upshaw?—A. Mr. Upshaw was there, but we did not go over together.

Q. They were attending the funeral as well as you, were they not?—A. Yes, sir.

By the CHAIRMAN:

Q. Who succeeded you in the position you held?—A. Mr. Osborne. I think Mr. Upshaw took charge of my desk for perhaps a month or half a month, and then Mr. Osborne took it and has had it since.

By Senator BLACKBURN:

Q. Was Commissioner Atkins here at the time of your dismissal?—A. No, sir.

Q. Where was he?—A. He was away, and, as I said, when he came back he said I had taken advantage of his absence to resign.

Q. He knew nothing of it, so far as you know?—A. No, sir; in fact, he told me he did not know.

Q. He told you that he did not know anything of your dismissal?—A. Yes, sir.

By Senator CULLOM:

Q. Who did dismiss you?—A. The Secretary of the Interior.

By Senator BLACKBURN:

Q. Did Commissioner Price have a list of prices to be charged for goods at these Indian agencies?—A. Commissioner Price discussed this matter considerably, but never came to any definite conclusion in regard to it. For some years all traders were required to send to the Commissioner of Indian Affairs once a month the original invoices or bills of lading of all goods, or certified copies. Three or four years ago I saw that that did not amount to anything, and I told Commissioner Price that some other plan must be adopted; that we could not tell whether the traders were cheating the Indians or not, because we could not see the goods, and it was useless to continue that sort of thing. The Commissioner agreed with me and told me to direct the traders in the future to make their reports to the agent and let the agent regulate the price, and if the traders would not do as the agent directed, to report to the Commissioner.

Commissioner Atkins said that he was going to adopt a new system. He said that he was satisfied that the Indians were being swindled by being charged high prices and receiving poor goods, and he directed me to give my views on paper and bring to him a statement of the percentage that goods should pay and that traders might be permitted to ask. He told me to divide up the stocks kept by traders as well as I could and give my views of about the percentage they should pay. I did so. I made a good many classes, dividing up dry goods, groceries, hardware, boots and shoes, clothing, drugs, and all that sort of goods into different classes, and gave what I thought was a fair percentage to allow them to charge. I gave it to Mr. Upshaw in the first place, and he looked it through and made some alterations, I think, from my views, and then gave it to the Commissioner, who looked it all over and substantially agreed, I guess, upon what I had formulated, and Commissioner Atkins told me that he had submitted that to the Secretary one day and the Secretary approved of the plan and was going to adopt it and compel traders to charge so much and no more, and it was done in that way. There was a percentage attached to every article, my recollection is, running from 20 to 35 per cent. above cost and transportation, except for articles that sold for a dime, or something of that sort, and those there was nothing said about.

Q. Was there or not issued, by order of Commissioner Atkins, a circular which was sent out to the different trading posts, asking for information as to the amount of trade at each, so as to regulate the number of traders on the basis of the business that was done at each agency?—A. Yes, sir; and I have a copy of it here. Shall I read it?

Senator BLACKBURN. Yes, if the committee desires it. I want it to go into evidence.

Mr. ANDREWS. This is dated August 1, 1885. I was directed to draw up this circular, and it was signed by Mr. Upshaw as Acting Commissioner, in order that the office might be informed, as near as practicable, of the amount of business done.

The circular referred to, as submitted by the witness, is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, August 1, 1885.

SIR: In order that this office may be in possession of all information relating to trade upon Indian reservations, to the end that it may more understandingly regulate the same, it is desirable that it be informed, as near as practicable, what amount of business is done each year by licensed traders.

You will therefore, in a careful manner, procure the above required information and forward same at an early day.

Very respectfully,

A. B. UPSHAW,
Acting Commissioner.

The U. S. INDIAN AGENT, ——— *Agency.*

By Senator BLACKBURN:

Q. Do you know whether that was ordered by Commissioner Atkins or not?—A. I have no recollection now. I know General Atkins had a talk about this, because we differed. I would give my views as to the amount of goods to be allowed traders at an agency, and they disagreed with me, and General Atkins did not know which to believe, myself or the traders. I put the goods low or high as I thought the figure should be, and some of the traders would differ with me materially, so that we submitted it to the agencies to let them settle the differences between the traders and myself.

Q. What induced the preparation of that circular; was it or not complaint of the high prices charged?—A. That was one of the causes. There had been many complaints entered. The Indians would enter complaint, and it would come direct to the office that they were being robbed by the traders, more or less. They had never adopted any definite plan before that put a stop to it.

By the CHAIRMAN:

Q. Your dismissal dated from the 16th of August?—A. No, sir; from the 15th of August.

Q. Had you been informed before your dismissal, by Mr. Hunter or any one else, that S. M. Jackson was making a proposition to put in his license with Mr. Cleveland as a part of the capital?—A. I have no recollection of Jackson in particular. They were discussing them all. I used to discuss the matter with Mr. Hunter. Occasionally he would come to the Commissioner and have a conversation and then would come to me, but I have no recollection of Jackson particularly. There were seventy-five applications on my desk at the time. I have no recollection of any special conversation in regard to Jackson.

Q. Did not Mr. Hunter read you, before you were dismissed, a letter, which he had received from Mr. Cleveland, which said that Jackson had made a proposition of that sort to him?—A. He did show me such a letter. I do not know whether it was before or after I was dismissed, but it was about that time. I presume, if he says it was before, that it was. I have no recollection about it. I remember the letter, because he spoke of it the other day.

Q. It was about the time of your dismissal?—A. I should think about the time, either just before or after.

Q. You have no recollection that you told Commissioner Atkins that you had seen or heard of such a letter?—A. No, sir; Commissioner Atkins was not here.

By Senator BLACKBURN:

Q. Then you know you did not tell him?—A. I could not have told him; he was not here.

The CHAIRMAN. I believe that is all (to Senator Blackburn). Do you want to call some other witness?

Senator BLACKBURN. Yes; I want to have Mr. Upshaw sworn.

Commissioner ATKINS. I might as well state here that in looking over my testimony, as printed in the record, I find I spoke of having received a letter from Mr. Moller. That is a mistake; I should have said that I received it from Mr. Fisher.

TESTIMONY OF A. B. UPSHAW.

ALECK BRADFORD UPSHAW was then duly sworn and interrogated as follows:

By Senator BLACKBURN:

Question. What position, if any, do you hold in the office of the Commissioner of Indian Affairs?—Answer. I am chief clerk of the Indian Office.

Q. How long have you been in that position?—A. I was appointed the 1st of July last.

Q. You mean a year ago the 1st of this month?—A. Yes, sir.

Q. Please state to the committee, in as concise a form as you can, what, if anything, you have had to do or what information you have relative to the application for a renewal of license by C. A. Cleveland & Co.?—A. I was appointed on the 1st of July, and prior to that time there had been some action or some contemplated action by the Commissioner of Indian Affairs as to relicensing Mr. Cleveland. Of that I was advised, I think, about the time I came into the office. I do not think the Cleveland question came before me, or that I had anything to do with it for some time thereafter. About the 1st of August the Commissioner went home and returned in about three weeks, and I think in September, after he returned, we talked about Mr. Cleveland; may be it was before that we had a talk about him; I do not remember exactly. But we had several talks about traders and the business of the office before he left, and during his absence I had a pretty general idea of his policy, and then and ever since then I have endeavored to carry out that policy.

The first time my attention was called to this Cleveland matter that I remember was when the Commissioner came back, I think, in September. He told me he had heard down there that a man named Jackson, who had been licensed from Tennessee, had proposed to sell his license, or something of that sort, and that he had rebuked him very severely, and told him that if it was true it would not do him any good. I think that was the first time my attention was ever specially called to the Cleveland case, and then, during the Commissioner's absence, I wrote a letter to Jackson, probably stating that he had been licensed and that he must make arrangements to go to the agency. I think that was during the Commissioner's absence, either in August or September. I do not remember the exact date.

Q. Do you mean the Commissioner's absence at home in Tennessee or his absence in the West?—A. I do not remember which it was. It was either one or the other. I wrote to Mr. Jackson and told him this while

the Commissioner was away, and it was probably while he was in the West.

Q. That was in the fall then?—A. Yes. The letter is on file, I think. That is the first step, I think, in the Jackson matter.

Q. That letter has been put in evidence, I believe?—A. Yes, sir. In that letter I used the word "revoked" when I ought to have used the word "relicensed." I remember that. Then in December, I think the latter part of December, some question was again brought up about the relicensing of Mr. Cleveland, and the matter was looked into. But before that, I think, I had looked into his record.

I was informed by Commissioner Atkins that Senator Vest had called on him about the first part of September, asking that Cleveland or Reynolds be relicensed. This is simply hearsay, from what the Commissioner tells me. I am just repeating what I heard. He had promised, I believe, after a talk with Senator Vest, at his request, to license either one or the other of those gentlemen. But that evening, after making that promise, I was over at the office and he told me that somebody, I have forgotten now whom, had come in and given some other reasons for not relicensing Cleveland, and probably he had seen Senator Jackson—I think he had—and Senator Jackson had told him that his brother had ample means, or that he had made arrangements to go into business. But then this other charge coming up, he had written to Senator Vest that evening, and I sent the messenger over and the letter went off. Commissioner Atkins told me about the contents of the letter, but I never saw the letter. He told me what he intended to do at the time the messenger carried the letter. I was in the office subsequently when Senator Vest came in, several days thereafter.

Q. Did you hear the interview which took place between Senator Vest and Commissioner Atkins?—A. The first interview was very brief. He just came in and the Commissioner told him that he had written him this letter and asked him if he had notified Cleveland. He said he had not.

Q. Senator Vest said he had not?—A. Yes, sir; and I think he used the words probably that no harm was done, or something like that.

Q. Who used those words?—A. Senator Vest—that is my recollection. It was several days after this letter. Then along towards the last of December Mr. Cleveland came here, and he was, through his attorney and himself doing all he could to have the license renewed.

Q. Were you present at any interviews that occurred between Mr. Cleveland and the Commissioner, or Mr. Hunter and the Commisioner?—A. I was present at an interview that occurred between Mr. Hunter and the Commissioner on April 1, think in the Commissioner's office, and then I was present at an interview that occurred between the Commissioner and Mr. Hunter, probably shortly after he came back from the West, I do not remember, but I think it was along in the fall, in which they had quite a spirited conversation.

Q. Who had?—A. It was between the Commissioner and Mr. Hunter, Mr. Hunter claiming that Cleveland ought to be relicensed and that there had been nothing new filed—I believe that was it—against him. The Commissioner told him that the fact of his having been licensed by Commissioner Price was no reason why he should relicense him if he believed him to be an improper man to be on the reservation, and that he believed him to be an improper man, and that he did not think it right to relicense him. I could not detail all the conversation.

Q. What was the date of that interview?—A. I do not remember. It was some time in the latter part of November or the first of December, I think.

By the CHAIRMAN:

Q. I thought you said it was in April last?—A. No, sir; I said I was present at the first interview in April, and then I was present at an interview which occurred about the time of the appeal to the President.

By Senator BLACKBURN:

Q. Describe what occurred in that interview.—A. Mr. Hunter came into the office and said he wanted to talk to the Commissioner; that he had done all that he thought he ought to do in the premises, but that his client demanded that he go further in the matter, and that he had just come in to say to the Commissioner that he had been treated very kindly at his hands and received great clemency, probably more than he would have given himself if he had been in the Commissioner's place, and that he was only taking the case up because he had examined the law of the case and had found that he could not collect his fee in the case unless he did do it, and I think he said that the appeal was taken over his protest or against his advice; that he had advised against it and that the only reason which prompted him to do it was that he found he could not collect his fee unless he did. That was about the conversation; I do not give it exactly.

Q. Did you in that interview hear Mr. Hunter express any opinion as to the treatment Mr. Cleveland had received at the hands of the Commissioner?—A. He said that the treatment of the Commissioner had, been that of clemency and leniency and was probably better than he—Hunter—would have given him, if he had been in the Commissioner's place. That was about the substance of it. I do not remember the exact words.

Q. Did you have any interview afterwards with Mr. Hunter yourself?—A. Mr. Hunter came over to my office in the Second National Bank building a day or two probably after that, and I think about the same thing was said by him as in this other interview, in the presence of Mr. Osborne; I think Mr. Osborne was in the office; I knew Mr. Hunter was attorney in the case, and I had frequent talks with him. He would come into the office and ask questions, ask to see papers, and I generally tried to accommodate him. I did not propose to run any "star-chamber" business, and I opened up the books and he saw pretty nearly everything and all the correspondence. I do not think I ever declined to show him anything that was done, because we did not do anything under cover. I think he will make that statement himself.

Q. Did you ever, together with the Commissioner of Indian Affairs, call upon Senator Jackson?—A. Yes, sir; I do not remember the date, but I fix it by this fact; I think it was either in the latter part of December or the 1st of January, we went up to see Senator Jackson; it was shortly after the conversation between the Commissioner and Mr. Cleveland and Senator Vest, I think, and Mr. Hunter. The Commissioner wanted me to go up with him and I went with him to see Senator Jackson. I think it was the last of December or the 1st of January. The reason I think so is that whilst we were there they invited us in to an entertainment they had for the young ladies. I think it was a sort of holiday occasion; that is my recollection. It was an entertainment given to the young people.

By Senator CULLOM:

Q. Was it New Years?—A. I think it must have been New Years, or probably about that time somewhere. But we went up there for the purpose of talking to Senator Jackson about his brother and about some charges that had been made about his putting his license up and his attempt to use his license improperly—in other words, charges were made that he had made improper propositions.

By Senator BLACKBURN:

Q. Was or not that visit of the Commissioner and yourself to see Senator Jackson on that subject brought about by the interview that had then occurred between the Commissioner of Indian Affairs, Mr. Cleveland, Senator Vest, and Mr. Hunter?—A. Yes, sir.

Q. When those charges were brought to the Commissioner's notice?—A. Yes, sir.

Q. What passed in that interview?—A. We went up there and found the young folks assembled; we were sitting in the front parlor, the Commissioner and I, and didn't say much; and whilst we did not say so to each other, we both mutually concluded that that was not a very good place to be making charges against his brother when they were having an entertainment, so after a few minutes we left. There was nothing said to Senator Jackson about his brother on that occasion. I think, probably a day or two, or two or three days after, there was another interview with the Commissioner. I was not present, but he sent for me and said, "I wish you would go and see Senator Jackson." I got in his buggy and drove up to the Senate, and called Senator Jackson out and told him about these charges. I said, "If what they say about your brother is true, you cannot afford to have it done, and the Commissioner will not allow him to continue." He assured me that his brother had means, and that he would see the Commissioner. He said he would not have his brother do anything that was wrong, and if he had done anything wrong he wanted him treated just like anybody else; and he said, "I will see the Commissioner further about this matter, either this evening or to-morrow." I had a pretty straight talk with Senator Jackson about it, predicated upon the idea of the Commissioner that he could not afford to continue this man in the service if the charges were true. I told him that Senator Vest had written some letters in which he proposed to investigate the matter, and I said to him, "It would be well enough for you to see Senator Vest and talk to him about it." I think that was about the 1st of January, or somewhere along there.

Q. Do you know anything about the dismissal of Mr. Andrews from the position which he held in the Indian Office?—A. Yes; I was Acting Commissioner at the time.

Q. Please tell the committee about it.—A. I was Acting Commissioner, and one evening—I think it was Saturday, but I am not positive—the Secretary of the Interior sent for me and asked me what Mr. Andrews's full name was, I think, and I told him it was H. W. Andrews. He said, "What do you know about him?" He said that he had understood that Andrews was the president of a New York political club in Washington, and that he had, during the last campaign, exercised considerable influence and made himself rather obnoxious to Democrats, and that he had done as much or more to get clerks to leave here and go to New York as anybody, and that carrying out the reform idea that partisans ought to be dropped from the list, he had concluded to do it. He asked me

what I knew about Andrews. I told him I thought Andrews was a pretty good clerk; that from what I had seen of him I was very well pleased with him, but that he had been properly informed; that Andrews was a partisan, and my information was that he had done all that he could to bring things to bear to further the cause of the Republican party in the last campaign, and that he was at that time, as I was informed, the president of a New York political club in this city.

Q. What happened then?—A. Mr. Andrews' dismissal was made out and sent to him. I directed the messenger to take it and deliver it to him at his house.

The matter came out just a moment ago about attending President Grant's funeral. That had nothing on earth to do with it—nothing in the world—and it is the first time I ever heard it mentioned in that connection in my life.

Q. Were you present at General Grant's funeral?—A. Yes, sir. The President of the United States, Secretary of the Interior, Secretary Bayard, and myself were all present. I went on the same train with them, and I think perhaps Mr. Andrews was on the same train with the party; I do not remember how that was, but I know he went there. The Secretary of the Interior was in the procession, and there was a general holiday given for the purpose of going there. There were other clerks in the Department who went there.

Senator BLACKBURN. I believe that is all I want to ask.

By the CHAIRMAN:

Q. Precisely what did Commissioner Atkins say to you that he had heard about Jackson when he went South?—A. I think he said he had heard—that somebody had said to him—that Jackson had attempted to sell his license, naming the price, probably five or six thousand dollars, and that the day he reached home, I think, Jackson was in his town, being a commercial traveler, and that he had come to his house, and he had broached this subject, and this Jackson indignantly denied the charge and said it was baseless and false. That is about it; of course I cannot give his exact language.

The CHAIRMAN. I do not think I wish to ask any more questions.

Senator BLACKBURN. Then I will read this letter and ask to put it in evidence.

UNITED STATES INDIAN SERVICE, KIOWA, COMANCHE,
AND WICHITA AGENCY,
Anadarko, Indian Territory, February 7, 1885.

To the Hon. COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.:

SIR: I have the honor to acknowledge the receipt of your telegram of 30th ultimo in regard to C. A. Cleveland, which only reached here yesterday. In reply I have to say that I cannot recommend——

The CHAIRMAN. That is already in evidence.

Senator BLACKBURN. Yes, but this is the original letter, and I want to file this for the reason that it shows it was written on the 7th of February, and was received and filed on the 16th of February, at the office of the Commissioner of Indian Affairs.

The CHAIRMAN. Do you want to put that in over again?

Senator BLACKBURN. I do not want to put in again the original letter, but I want to put in testimony the date of the filing of it in the Indian Office.

The letter referred to is indorsed as follows:

3306. Office of Indian Affairs. Received February 16, 1885. Kiowa, Comanche, and Wichita Agency, February 7, 1885. P. B. Hunt, Indian agent. In relation to renewal of license of C. A. Cleveland. C. 16. 31. Andrews.

Senator BLACKBURN. I would like to have Mr. Osborne sworn.

TESTIMONY OF H. G. OSBORNE.

Mr. H. G. OSBORNE came before the committee and was duly sworn.

By Senator BLACKBURN:

Question. Are you a clerk in the office of the Commissioner of Indian Affairs?—Answer. Yes, sir; I am.

Q. Have you charge of the files?—A. Yes, I have charge of the correspondence and matters relating to Indian traders.

Q. Look at the paper I hand you and see if that is the original paper on file in your office?—A. Yes, it is.

Q. Notice the stamp date of filing there.

The CHAIRMAN. It should be noted that the letter referred to is Mr. Hunt's letter of February 7 to the Commissioner of Indian Affairs which is already in evidence at page 96.

Q. When was that letter filed in the Indian Office?—A. It was filed February 16, 1885.

Senator BLACKBURN. That is all I want to ask.

By the CHAIRMAN:

Q. There is a stamp on the back of that letter, is there not?—A. Yes, sir.

Q. Read what the stamp says.—A. "3306. Office of Indian Affairs. Received February 16, 1885."

By Senator BLACKBURN:

Q. What do those figures "3306" indicate?—A. The number of the communication.

By the CHAIRMAN:

Q. Where is that stamp, in the regular course of business, affixed?—A. On the back.

Q. I know, but in what room or by whom?—A. In the files division of the Indian Office.

Q. When a letter is received in the Indian Office, what is first done with it?—A. It comes to the chief clerk of the Indian Office, is opened by him and marked with the division it belongs to, is sent to the files division, and is stamped, and the date and so forth like this stamp is put on it. It then comes down and is distributed by a messenger to the division for which it is marked. This mark "C" indicates that it would come to the chief clerk's division.

Q. As you understand the course of business, then, the letter would receive its stamp before it was examined by the persons who have charge of that business?—A. Yes, sir; in almost every case, unless it is a personal letter, directed to the Commissioner personally, and it would then be very apt to be filed before it would be referred to the division having the matter in charge.

By Senator BLACKBURN:

Q. Were you ever present at an interview between Mr. Hunter, the Commissioner of Indian Affairs, and the chief clerk, wherein the ques-

tion of the renewal of license to Mr. Cleveland was discussed?—A. Yes, sir.

Q. Who was present, the Commissioner, his chief clerk, or who?—A. I cannot be positive as to who was present, but the chief clerk, Mr. Hunter, and myself are the only parties I remember.

Q. When was that, and where?—A. I could not state positively the date.

Q. Approximate it.—A. It was in the chief clerk's room of the Indian Office.

Q. In Mr. Upshaw's office?—A. Yes, sir.

Q. About what time?—A. I think it was some time in April last.

Q. What occurred there?—A. Mr. Hunter was speaking about the action of the Commissioner with regard to Cleveland & Co., and I think he stated that the Commissioner had treated them very leniently, and he expressed himself to the effect that he thought the Commissioner had been very lenient in his action towards Cleveland & Co., had given them a long extension, and had been very lenient in the matter.

Q. Did he or not say anything as to why he was taking an appeal from the Commissioner's ruling?—A. I think he referred to the matter.

Q. Do you know what he said in that regard?—A. I think he said he was going to take an appeal. I could not quote his exact words, but he said that he was going to appeal the case to the President I think, in order to carry the case out and get his fees. I am not positive about that, but it is the best I can remember.

By the CHAIRMAN:

Q. You would not undertake to give his language on that occasion?—A. No, sir; I could not give it positively.

Q. Have you here the letter of transmittal which covered the renewal of the license to C. A. Cleveland on the 1st of February, 1885?—A. Yes, sir; the letter was to have been copied and sent up here this morning, but the copyist made a mistake and got the letter of 1884. But I have it here in the letter-book, and I can read it to the committee.

The CHAIRMAN. Please read it.

Mr. Osborne read as follows:

[Civilization and E., 298. 1885.]

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, February 13, 1885.

Mr. P. B. HUNT,
United States Indian Agent, Anadarko, Ind. T.:

SIR: Inclosed is a renewed license, granted to Charles A. Cleveland, to trade with the Kiowa, Comanche, and Wichita tribes of Indians for one year from February 1, 1885, which you will deliver to the person named. A copy of the license is also transmitted for the agency files.

Respectfully,

H. PRICE,
Commissioner.

(Andrews.)

By the CHAIRMAN:

Q. That letter is dated when?—A. February 13.

Commissioner ATKINS. Allow me to say right there, if you please, that I was informed by Mr. Osborne that it was the letter of February 1, 1885, that was spoken of, but it turns out to be February 1, 1884. Therefore I made a mistake.

Q. Then this letter which carried Mr. Cleveland's license to him in 1885 was dated February 13?—A. Yes, sir; February 13, 1885.

By Senator BLACKBURN:

Q. And the license was dated back to the 1st?—A. Yes, sir.

The CHAIRMAN. That is what Commissioner Atkins stated in the first place?

Senator BLACKBURN. Yes, and the mistake came from the clerk copying the letter of 1884 instead of 1885. It should have been written on the 1st of February, as that was the expiration of the term of the license, but it was dated back so as to correspond to that written on the 13th, and Hunt's letter was received at the office on the 16th.

By the CHAIRMAN:

Q. Do you receive the mail, or is it received in your office?—A. When the mail first comes in, it is received by the chief clerk or acting chief clerk, is opened and marked and sent to the files. The mail relating to the traders' matters would then come to my desk, and be distributed, and it generally gets down the next day after it is filed. I never see the mail until it goes to the file, is filed, and comes back to my desk.

Q. Do you know how long it takes a letter in the ordinary course of mail to come from Anadarko here?—A. I could not say positively, but I think it takes about seven or eight days. I cannot speak accurately about it.

The CHAIRMAN. That is all. I would like to ask Mr. Andrews a question at this point.

TESTIMONY OF HENRY W. ANDREWS—Continued.

HENRY W. ANDREWS recalled and further examined:

By the CHAIRMAN:

Question. Please look at this letter of Mr. Hunt's and say whether you think you received that letter before or after the file-mark was put on, if it came to your desk.—Answer. I have no recollection about it at all.

Q. What would be the course of business there?—A. The usual way would be, unless it was something special and marked special by the Commissioner, to have it go to the files before it came to me. Sometimes I have had the Commissioner send papers direct to me for my action, not wishing to consume the time that it takes to go to the files to be registered and stamped. But I have no recollection of this particular paper.

Q. Please look at the letter which has been spoken of here, dated the 13th of February, 1885, from Commissioner Price to Agent Hunt.—A. (After examining the letter in question.) That is in my handwriting.

Q. Do you remember anything about the writing of that letter?—A. No, sir; no more than I know I wrote it.

Q. Do you remember whether you wrote it before or after that letter came to your office?—A. No, sir; I have no recollection. This letter, in the ordinary course of mail, should have been in the office by this date, but I have no recollection of the matter at all.

Q. For some reason or other the letter was delayed from the 1st of February to the 13th?—A. It is unusual for a letter to be nine days coming from Anadarko.

Q. But for some reason the letter transmitting that license did not go until the 13th of February?—A. It went the 13th.

Q. The license was renewable on the 1st of February, was it not?—

A. Without referring to the papers or documents, I should say that the previous license expired on the 1st of February, and that this was dated back to cover the fifteen days the bond would cover, and it used to be customary, if there was any delay in the renewal of a license, to date it back a month, or put it ahead a half month or so, perhaps.

Q. It appears in that letter that Commissioner Price had telegraphed on the 30th of January to Mr. Hunt in relation to the renewal of the license?—A. Yes, I guess that can be found in this letter book.

Q. You think the telegram can be found in that book?—A. Yes, I think so. [After examination.] Yes, here it is.

Q. In whose handwriting is it?—A. In my handwriting.

The CHAIRMAN. Let us put that into the record.

Mr. Andrews read as follows:

[C. and E. Division.]

OFFICE OF INDIAN AFFAIRS,
Washington, D. C., January 30, 1885.

To Agent HUNT,
Dodge City, Kans.:

If you have charges to prefer against C. A. Cleveland, forward at once.

H. PRICE,
Commissioner.

By the CHAIRMAN:

Q. That is in your handwriting?—A. Yes, sir.

Q. Now, that telegram having been sent on the 30th of January, the license expiring on the 1st of February, the letter of transmittal not having been sent until the 13th of February, does it or not bring to your recollection anything as to the date when the letter of February 7, of Mr. Hunt, was received, whether before or after the letter of transmittal?—A. I do not see anything here that would refresh my memory on that point. I have no recollection about it except what I get from these papers.

Q. If that came after the license had been forwarded, would you or not call the attention of the Commissioner to it?—A. It would be my duty to do so.

Q. This file stamp, which is on the back of the letter, does it necessarily indicate the date when the letter was received in the office?—A. That is the custom. Papers go immediately to the file room after they are examined by the chief clerk; the initial for the division to which they belong is put on by him; they then go directly to the file room and are stamped and recorded, and then distributed by the messenger.

By Senator BLACKBURN:

Q. Who put that stamp on that letter?—A. It is usually put on by the chief of the files division—Mr. Terflinger at that time.

Q. I understood you to say that when this paper or any similar paper reaches the office, unless marked "personal" or "special," it would go immediately to the file-room to receive that stamp?—A. Yes; it goes there first.

Q. Is there any mark about this paper which would divert it from that channel?—A. I see none.

Q. Then you see nothing here to induce you to believe that this paper did not go immediately, upon reaching the office, to the file-room to receive the stamp you see on it?—A. No, sir; all the indications show that it went there first.

The CHAIRMAN. I want to put in here the letter which Mr. Cleveland said he had written for, which his clerk had in his safe at Anadarko, and which has been received by him since. It is a letter from S. M. Jackson to Cleveland & Brother, dated December 5, 1885.

The letter referred to is as follows:

DYERSBURG, TENN., *December* 5, 1885.

Messrs. CLEVELAND & BRO.:

GENTS: Please let me know by return mail about how much stock you have on hand and what you will close out at. I would like very much to see you. I expect to be out about January first. How long will General Atkins allow you to remain? I am still anxious to make arrangements we were speaking about last summer. Please let me hear from you at once.

Yours, very truly.

S. M. JACKSON.

The CHAIRMAN. I asked Commissioner Atkins the other day to bring up all the papers in the office relating to the case of Cleveland & Brother.

Senator BLACKBURN. We have them all here. Mr. Hunter, in his testimony the other day, in support of certain allegations in a letter which he had written, and which was put in evidence by him, referred to the action of the Commissioner in the case of Harris & Co., and the letters that he had written to Mr. Bond at Trenton, Tenn. Here are those letters, all of them, and I would like to offer them so as to let it appear what the course pursued was.

Mr. R. F. HUNTER. I called for Mr. Bond's letter.

Senator BLACKBURN. What has Mr. Bond to do with this matter?

Mr. HUNTER. What have these letters to do with the matter, unless the Bond letter has?

Senator BLACKBURN. I am not submitting the question to you, sir. These are the letters of the Commissioner of Indian Affairs, showing precisely what and everything he had to do in the case of Harris & Co. Harris & Co. were licensed, and that was a matter that brought about the correspondence with Bond, the son or stepson, or something.

The CHAIRMAN. If you wish to put those letters into the record there is no reason why you should not do so.

The letters referred to are as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., June 18, 1885.

Hon. W. P. BOND,
Trenton, Tenn.:

DEAR SIR: In reply to your letter of the 15th instant, relative to the license of Mr. Jacobs and your suggestion that Wichita be named as the place of trade, permit me to say that I have appointed Mr. Jacobs as a licensed trader with the Kiowa, Comanche, and Wichita tribes of Indians.

The agency is located and the place of trade is at Anadarko, Ind. T.

I have also appointed Mr. S. M. Jackson, of Dyersburg, a trader at Anadarko, but there is ample field for both Mr. Jacobs and Mr. Jackson, as they take the place of present traders.

The license I shall issue promptly upon receipt of bond mentioned in my letter to you of the 11th instant.

Very respectfully,

J. D. C. ATKINS,
Commissioner.

(Andrews.)

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., June 19, 1885.

DEAR SIR: The bond of M. B. Harris & Co., as licensed traders at Anadarko, Ind. T., received by your reference of the 15th instant, is satisfactory, and inclosed please find license this day granted them to trade with the Kiowa, Comanche, and Wichita tribes of Indians for the term of one year.

Very respectfully,

JNO. D. C. ATKINS,
Commissioner.

Hon. W. P. BOND,
Trenton, Tenn.
(Andrews.)

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., July 17, 1885.

DEAR SIR: Referring to your letter of the 15th instant, relative to the failure of the licensed firm of W. B. Harris & Co. to come to a satisfactory understanding in regard to the conduct of their affairs as licensed traders, I regret exceedingly that yon feel compelled to call upon me to take further action.

I granted the license I did upon your recommendation, and included as partners in the license such names as you recommended, and for me now to revoke the license of the firm and grant a new one to Mr. Jacobs, without the best of reasons, would subject me to a criticism which I cannot afford, and perhaps do an injustice to worthy men.

The members of this firm must come to a satisfactory understanding, and move smoothly along, or I shall be compelled to reconsider the action already taken, and substitute other parties in their place.

I trust you will be able to settle the conflicting views of these parties to the satisfaction of all.

Very respectfully,

J. D. C. ATKINS,
Commissioner.

Hon. W. P. BOND,
Trenton, Tenn.
(Andrews.)

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., July 30, 1885.

Hon. W. P. BOND,
Trenton, Tenn.:

DEAR SIR: Referring to your letter of the 22d instant in regard to the matters of M. B. Harris & Co., I trust their affairs will, as you predict, move along smoothly.

Upon a somewhat careful investigation of the amount of business done by the licensed traders on the Kiowa, Comanche, and Wichita Agency, I am surprised at its extent, being far in excess of what this office supposed, and more in my opinion than should be confided to two firms, consequently I would not be justified in closing up the stores of all the present traders there.

I shall give this question still further examination, and be governed by what I consider best for the service and the Indians.

I presume some at least of the present traders there would not let the opportunity pass (if it presented itself) of selling out to Harris & Co. upon satisfactory terms to them.

Very respectfully,

A. B. UPSHAW,
Acting Commissioner.

(Andrews.)

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, August 26, 1885.

P. B. HUNT,
United States Indian Agent,
Kiowa, Comanche, and Wichita Agency, Indian Territory:

SIR: Referring to office letter of the 19th June last, inclosing copy of license granted M. B. Harris & Co. to trade with the Indians of your agency, I have to notify you that said license has been this day revoked.

Respectfully,

J. D. C. ATKINS,
Commissioner.

Senator BLACKBURN. I have here the other papers, Mr. Chairman, that were called for; all of them that are on file.

The CHAIRMAN. These seem to be papers that were in the office before Commissioner Atkins came in; all of them.

Commissioner ATKINS. They were asked for the other day, and I brought them up. I do not care whether they go in or not.

The CHAIRMAN. Have you here all the papers relating to the Cleveland and Jackson license since you came into office?

Commissioner ATKINS. So far as I know.

The CHAIRMAN. Where are they?

Commissioner ATKINS. The clerk of the Indian traders' desk informs me that every one of them is here.

The CHAIRMAN. These letters relate to Commissioner Price's administration?

Senator BLACKBURN. No; here is one from Commissioner Atkins under date of May 31, 1886.

Commissioner ATKINS. I requested that all the letters relating to the relicensing of Mr. Cleveland during my administration be brought down, and such others as they found with regard to the matter under Commissioner Price, and Mr. Osborne just says they have been filed or are now being filed. I suppose they are all in.

The CHAIRMAN. Have you here anywhere the letter which Senator Vest alluded to that he wrote you from Sweet Springs?

Commissioner ATKINS. I do not recollect that I have. I will see whether I have.

The CHAIRMAN. It is in the office, is it not?

Commissioner ATKINS. I do not know whether it is or not; if it is I will produce it.

The CHAIRMAN. There must be other letters about this transaction of Mr. Cleveland's. Senator Vest says that he wrote letters from Sweet Springs, and S. M. Jackson must have written a reply to Commissioner Atkins' letter of January 23.

Commissioner ATKINS. Mr. Osborne says these were all the letters on file there. The others may be personal letters not on file.

Senator BLACKBURN. I suggest that you furnish, Mr. Osborne, a list of letters there, and every one that is there that you know of.

I will recall Mr. Upshaw for a few questions.

TESTIMONY OF A. B. UPSHAW—Continued.

Mr. A. B. UPSHAW recalled and his examination resumed.

By Senator BLACKBURN:

Question. How many Indian traders are there in the Indian Territory, licensed since Commissioner Atkins came into office, from the States of Mississippi and Tennessee?—Answer. There are in the Territory four persons from Tennessee who are doing business there as licensed traders.

Q. And how many from Mississippi?—A. Three.

Q. How many from Missouri?—A. Five.

Q. How many from Kansas?—A. Thirteen.

Q. Does that have any relation to the five civilized tribes or the others?—A. Those are the licenses which are controlled by the Commissioner of Indian Affairs that I refer to.

Q. That is exclusive of the five tribes or civilized nations?—A Yes,

sir. Those licenses are granted upon the recommendation of the authorities of the Nations, approved by the agent.

Q. You are speaking now of the civilized tribes?—A. Yes, sir.

Senator BLACKBURN. That is all.

Mr. UPSHAW. Have you anything further, Mr. Chairman?

The CHAIRMAN. Yes.

By the CHAIRMAN:

Q. Who are the four Tennessee men?—A. Sneed & Colyer, a man named Phillips, and a man named Meeks, I think; that makes four.

Q. You count Sneed & Colyer as two?—A. Yes, sir; but they represent but one license.

Q. Where is Meeks?—A. Meeks is at Darlington.

By Senator BLACKBURN:

Q. At the Cheyenne and Arapahoe Agency?—A. Yes, sir; Sneed & Colyer are at the Kiowa Agency, and Phillips is at the Osage Agency.

By the CHAIRMAN:

Q. Who was Meeks?—A. I do not know.

Q. Did you ever hear of him until he was appointed?—A. I never did in my life.

Q. Is he trading under his own name?—A. I think so. I think he is in partnership with a man named Hayes.

Q. Hayes was an old trader?—A. No, sir; he had a license to trade, but never traded. There was a man named Connell who was trading and this man Hayes was furnishing the money.

Q. Did you ever hear that Meeks put in no money, but was receiving a stipulated sum quarterly for his license?—A. I have heard something of that kind since this investigating committee commenced, never before.

Q. Have you investigated it at all?—A. There has been no investigation of it up to the present time.

Q. How many traders are there from Mississippi?—A. Two.

Q. What are their names?—A. There is a man named Barker and one named Branham.

Q. Who is Branham?—A. H. B. Branham, of Oxford, Miss.

Q. Is he a member of the law firm of Lamar, Mayes & Branham?—A. I don't know; I expect he was.

Q. Is that Lamar Secretary Lamar?—A. I think so.

Q. You think Branham is out in the Territory now?—A. Yes, sir.

Q. Have you not heard that he was in Mississippi doing nothing but drawing pay for his license?—A. No, sir.

Q. That has not been heard at the office?—A. No, sir.

Q. Do you think that Barker is out there now?—A. No, sir; I know he is not, because we got a telegram from him in Mississippi the other day.

Q. He is ostensibly trading in that Territory, is he not?—A. Yes, sir.

Q. And so is Branham?—A. Yes, sir; and Mr. Branham is there, and has been there all the time. He was told that he could not live in Mississippi and hold the license.

Q. Have you not heard as a fact that he is at home doing nothing?—A. No, sir; I had a letter from him yesterday, dated at the Osage Agency, I think.

Q. Do you know who recommended Branham?—A. I do not remember who recommended him. I have known him for a great many years myself.

Q. He was Secretary Lamar's law partner, was he not?—A. I think it probable.

Q. Do you think he has been out in that Territory all the while?—A. I think he probably went back to Mississippi a few times. I know he has been to Mississippi to look after his child, who died a few weeks ago. He went there to look after his sick child and attended the funeral. He alludes to that in his letter yesterday.

Q. When do you think he came from the Territory in consequence of his child's sickness?—A. I happen to know something about that. His father told me that he had gone home to see his sick child or his sick family. He had three children, and they all had the fever; they were all down with it, and he went home, I think, by telegraphic request.

Q. When?—A. It has been probably a couple of months ago.

Q. So that you think for a couple of months he has not been in the Territory?—A. I think not; I do not know. He says in this letter that he is making arrangements to move his family out and to make that his home. He said that in his letter to me yesterday.

By Senator BLACKBURN:

Q. Where do you say this letter is from?—A. I think it is from the Osage Agency. (Referring to the letter.) "Branham & Schiffbauer, Indian traders, Osage Agency"—that is the way it is dated—"July 24, 1886."

By the CHAIRMAN:

Q. Do you know what the arrangement is between Branham & Schiffbauer?—A. No, sir; I do not.

Q. Have you ever heard anything about it?—A. No, sir; never in my life. I know it is the policy at the office to have these people furnish their share of the money when they form a partnership, but it is almost an impossibility to find out about the financial standing of every one of them. This man Hayes, that was licensed with Meeks, came to the Department and asked that Connell's license (his former partner) be revoked, and that his goods be put off the reservation so that he could get at them; that this fellow was there and he could not get anything out of him, and insisted upon it, and it was at his solicitation, as I remember, that he and Meeks went into partnership.

Q. Do you know anything about the appointment of Branham?—A. I know about the time it occurred.

Q. Do you know why it was made?—A. No, sir; I do not.

Q. Do you know who recommended him?—A. I do not know that anybody specially recommended him. I think the Secretary of the Interior knew him very well, and the Commissioner of Indian Affairs knew him, and I have known him always, and no further recommendation was necessary. I was born and raised within thirty miles of him at Holly Springs, Miss.

By Senator BLACKBURN:

Q. Do you know who recommended Mr. Meeks?—A. I do not.

Q. Do you know whether John Taylor, member of Congress from his district, recommended him?—A. Since you mention him, I think that he did and that his letter is on file.

Q. He represents the district that Meeks lives in, does he not?—A. Yes, sir; and I think it was upon his recommendation he was appointed.

Q. Do they live in the same county?—A. Yes, sir.

By the CHAIRMAN:

Q Did you make this list of traders whose licenses have been revoked, that Commissioner Atkins sent up in reply to the Senate resolution?—A. I think that was made by Mr. Osborne, the clerk in charge of the desk.

The CHAIRMAN. I will ask the Commissioner to state what the charges are against these people whom he says there were charges against.

Commissioner ATKINS. You will have to let me get the records; I cannot do it this morning.

The CHAIRMAN. I know you cannot. I will ask you at some time to state what the charges are, where you say there were charges, against those whose licenses were not renewed.

Commissioner ATKINS. I distinctly stated in my testimony that I used the word "charges" as a term which had been used in the Senate resolution. What I meant was, there were some objections which had been filed against them. I did not intend to use the word "charges" only as it was used by the resolutions—that there were some objections to some people; and I also stated that there were a good many whom I did not license against whom there were no objections.

The CHAIRMAN. But I want you to give the specific objections, if you prefer to call them objections.

Commissioner ATKINS. I do not care; you may call them charges if you want to.

The CHAIRMAN. It makes no difference to me what they are called, whether objections or charges; but whatever appears in the office in that respect against these individuals I would like to have presented specifically. [To Senator Blackburn:] How many of the letters submitted by the Commissioner do you wish to put in?

Senator BLACKBURN. I do not care about putting those in.

The CHAIRMAN. The Commissioner may leave them here, and we will look them over and determine which, if any, shall be printed in the record.

The following letters, referred to, furnished to the committee by the Commissioner of Indian Affairs, are made a part of the record:

225 EAST CAPITOL STREET,
Washington, D. C., February 25, 1886.

DEAR SIR: I write you at the suggestion of Father Stephan, who informs me there is a probability of your license as trader being revoked, or not renewed, and he is of the opinion I may be of service to you.

Should you hold it advisable to retain my services, I will state that I will represent your interests for a fee of $250—$100 of which to be paid in advance, the balance to be contingent on success.

If this is given favorable consideration advise me at once, giving full particulars of all causes of opposition.

Very truly,

R. F. HUNTER.

Mr. MARTIN,
Standing Rock, D. T.

(I found this letter lying on my desk July 31, 1886.
J. D. C. ATKINS.)

TRENTON, TENN., *July* 15, 1865.

MY DEAR SIR: I fear I shall be, if I have not already been, troublesome. But you have been before so kind and patient that I am encouraged to appeal to you as often as difficulties arise. I informed you in my last that Mr. Jacobs' partners, those whom he had associated with himself in the privileges granted to him by your special per-

mit, had refused before leaving Milan to enter into a contract of partnership, which conduct of theirs awakened my suspicions that they were disposed to deal unfairly with him. They have been to Anadarko, examined the situation, and while on the ground, they after repeated requests declined to draw a contract, and I am satisfied, my dear sir, that our interests, Jacobs' and mine, will be but subserved by revoking the permit granted to M. B. Harris & Co., and issuing the same license to Charles W. Jacobs, *individually*.

If necessary, he can make a new bond, and will do so, if you will send him a blank.

My dear friend, I have seen better days, and lived in ease and comfort; through the providence of God, I have been stripped of all my property, all my earthly possessions, save only the love, esteem, and confidence of the friends God gave during a course of fifty years in West Tennessee. I have a hard scuffle to live. Do this for me as above requested, and you will make us all happy, and we will love and pray for you while life lasts. Harris has not the money.

Your sincere friend,

W. P. BOND.

Hon. J. D. C. ATKINS,
Washington, D. C.

True copy, attest:

C. A. MAXWELL,
Acting Chief Clerk, Indian Office.

[Indorsed.]

Office of Indian Affairs, 16207, received July 18, 1885.

W. P. Bond, Trenton, Tenn., July 15, 1885, requests that license to M. B. Harris & Co. be revoked and issue of same to C. W. Jacobs.

Answered July 17, 1885.

TRENTON, TENN., *July* 22, 1885.

MY DEAR SIR: Yours received in reply to my last. In was very wrong in me to have made such a request of you. I do sincerely crave pardon, and let not this folly be numbered against me.

M. B. Harris & Co. I feel satisfied will move on smoothly.

They purpose going shortly to Anadarko, and is it allowable to ask you to open the way for them to go to work immediately.

Please, my dear sir, answer this and let them know that when they get to Anadarko they will find the way open.

With high regard and sincere esteem I am your obedient servant,

W. P. BOND.

Hon. J. D. C. ATKINS,
Commissioner, &c.

True copy, attest:

C. A. MAXWELL,
Acting Chief Clerk, Indian Office.

TRENTON, TENN., *July* 28, 1885.

MY DEAR SIR: Bear with me, if you please, and whilst I am striving to help Mr. Jacobs, my son-in-law, do not allow me to injure him. Could you not give C. W. Jacobs, individually, a license to trade, upon his making bond, and thus have three licensed traders at Anadarko—Jackson, Jacobs, and M. B. Harris & Co., Jacobs withdrawing from the firm of Harris & Co.?

Jacobs wanted to "buy out" Brown, and thus you would have been saved some annoyance. He would buy out rather than require a revocation of license—and will now, if only he can be permitted to act as his judgment and sense of propriety dictates. M. B. Harris & Co. could still go on under the license obtained, substituting some one else for Jacobs, if deemed proper, and Jacobs & Co., or Jacobs alone, could proceed unembarrassed by the multitude of counselors. Our necessities are great and pressing. Let this consideration extenuate my offense, if any there be, and praying God to guide and help you.

Yours sincerely, and with high esteem,

W. P. BOND.

Hon. J. D. C. ATKINS.

True copy, attest:

C. A. MAXWELL,
Acting Chief Clerk, Indian Office.

SWEET SPRINGS, MO., *July* 18, 1885.

MY DEAR SIR: I regret very much to learn that you have notified C. A. Cleveland & Co., of Anadarko, Indian Territory that they will be replaced by gentlemen from Tennessee. I know Cleveland well, and obtained for him the position of Indian trader whilst Price was Commissioner. He is one of the best men for the place to be found anywhere. Is honest, has the confidence of the Indians, and stands high as a business man in Saint Louis.

If there is any charge against him I have never heard it. I sincerely hope you will not remove him. I ask this as a personal favor, and because I believe it unjust to remove him.

Frank L. Fred, at Anadarko, is also a good trader, and J. T. N. Gooch, at the Otoe Agency, and T. M. Finney, at the Kaw Agency. I know these men from the fact that they have bought goods largely in Saint Louis, and I have had a good deal to do with matters in the Indian Territory and the different interests there in the last six years. The standing of these traders I have mentioned is as good as that of any merchants I know.

I hope you will pardon me if I write you plainly as to this matter. It is not good policy to remove old and established traders, who have kept good supplies of goods, and dealt fairly with the Indians, and have secured their confidence.

The custom has obtained to a shameful extent of giving these traderships to impecunious favorites, who have no money, and who put their appointments in as their part of the stock for the store, some man with money furnishing the real capital. These stores are intended for the benefit of the Indians, not to enrich traders; and the more stores there are, run by honest men, the better for the Indians. It prevents monopoly and creates healthy competition. I have heard that you intend reducing the number of traders at Anadarko from four to two. If you do, it will only put more money in the pockets of the two appointed, and will not help the Indians.

It is also reported that a number of appointments are being made from Tennessee and Mississippi, and some of them men without money and utterly unused to the Indian trade. I hope this is not true, for reasons I need not suggest; for this sort of thing has cursed the Indian Bureau for years.

You will pardon me for writing plainly, and if my information is incorrect you will simply charge the statement to my anxiety that even the shadow of complaint should be removed.

The merchants of Saint Louis are deeply interested in these matters and have urged me to write.

Truly,

G. G. VEST.

Hon. J. D. C. ATKINS,
Commissioner of Indian Affairs.

(Private letter; but as it is called for, I produce it.)

J. D. C. A.)

NASHVILLE, TENN., *June* 5, 1885.

Hon. J. D. C. ATKINS,
Commissioner of Indian Affairs, Washington, D. C.:

SIR: I inclose herewith my application for the position of licensed trader at one of the following Indian agencies: Fort Sill, Fort Grant, Fort Huachua—naming them in the order of my preference. I make this designation as suggested in your letter of the 23d April (C. & E., 8752, 1885).

Hoping that my application may receive early and favorable consideration,

I remain yours, respectfully,

S. M. JACKSON.

Post-office address, Dyersburg, Dyer County, Tennessee.

The following appears on the original, signed by the then Chief Clerk of the Indian Office:

Appoint him at Kiowa & Comanche in place of Brown, the Commissioner says.

E. L. S.

[Indorsed.]

Office of Indian Affairs. (Received June 10, 1885).
S. M. Jackson, Dyersburg, Tenn., June 5, 1885, applies for appointment as trader, with testimonials.
Three inclosures.
Answered June 11, 1885.

BELLE MEADE, NASHVILLE, TENN., *June* 5, 1885.

MY DEAR SIR: We notice from your letter to Mr. Samuel M. Jackson, of Dyersburg, West Tennessee, that you contemplate granting him the position of post trader. We commend him to your favorable notice as one capable and honest, and we unite in requesting one of the following posts for him, viz, Fort Sill, Fort Grant, or Huachua, named in the order of preference.

Bespeaking your prompt and favorable action on his application,

We remain, with high respect, yours, very truly,

W. H. JACKSON.
HOWELL E. JACKSON.

Hon. J. D. C. ATKINS,
Commissioner, &c.

[Personal.]

BELLE MEADE, NASHVILLE, TENN., *June* 5, 1885.

MY DEAR SIR: General Atkins has signified a disposition to bestow on my brother, Sam. M. Jackson, of Dyersburg, Tenn., the appointment of post trader. I write to say that he is capable and honest and worthy, and that Senator Jackson and I will esteem it a favor if you will use your influence with the Commissioner to give him the post of Fort Sill or Fort Grant.

The settlement of State debt, like Banquo's ghost, will not down.

Yours, truly,

W. H. JACKSON.

Ex-Governor J. D. PORTER.

(Indorsed on back:) Respectfully referred to the Hon. Commissioner of Indian Affairs and earnestly recommended.

JAS. D. PORTER.

JUNE 8, 1885.

NASHVILLE, TENN., *August* 3, 1885.

DEAR SIR: My brother, Sam. M. Jackson, is here, just returned from the Indian Territory, and has shown me your letter in regard to your placing one or more additional agencies in that Territory. From information derived from him I am satisfied that interested parties there have exaggerated to you the business done there and that there is no more business done than will pay the two traders already appointed.

If the cattle men are removed from there and their lease set aside, as I notice from the President's proclamation, then the amount will fall considerably short of $100,000, as he informs me; as the only source of revenue of Indians then will be from hides and ponies.

I sincerely hope that you will not appoint additional traders for a year at least, giving you ample time to investigate thoroughly.

Yours, very respectfully and truly,

W. H. JACKSON.

Hon. J. D. C. ATKINS.

The following memoranda attached to letter:

W. H. Jackson, Nashville, Tenn., August 3, 1885. Thinks number of traders at Kiowa, &c., Agency should not be increased.

August 6. Receipt acknowledged; Commissioner absent; will call matter to his personal attention on his return. As he has corresponded on this subject, don't feel authorized to make changes or suggestions in his absence.

A. B. U.

MOBILE AND OHIO RAILROAD HOTEL,
(S. M. CHIDSEY, MANAGER,)
Rives, Tenn., January 18, 1886.

DEAR SIR: I am just in receipt of your letter of the 14th. I will either start for the Indian Territory by 1st of February, or will return my license to you. Mr. Z. T. Collin wrote you yesterday in regard to going in with me as a silent partner, provided it met with your approval, but under no circumstances unless it did; but since receiving your letter I abandon that idea, as you say I must go myself.

There is a party anxious to go in with me; please let me know if I will have to have new license or not. I would much rather for license to remain in my name, as it now is, if agreeable to you, for I expect to manage the business myself. Hoping to hear from you at an early date at Dyersburg, Tenn., I remain, with high regard,

Yours, very truly,

S. M. JACKSON.

Hon. J. D. C. ATKINS,
Commissioner of Indian Affairs.

P. S.—My reason for asking the question is, because I don't want to do a thing but what will be in strict accordance with the rule and laws of the Department.

[Circular No. 150.]

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., April 13, 1885.

U. S. INDIAN AGENT, ——— ——— *Agency:*

SIR: The object of licensing citizens of the United States to reside upon Indian reservations and trade with Indians is that the Indians may be furnished, at fair prices, with all necessary articles for their needs and comfort without going off their reservation to procure the same; and it is the intention of this office to grant a sufficient number of licenses at each of the Indian agencies to create and maintain a healthy competition to the end that Indians may be furnished with all such needed supplies at reasonable prices.

This object would not be attained if licensed traders were permitted to combine among themselves and establish such uniform prices as they saw fit, and no such combination must be permitted; but the same open and legitimate competition must be insisted upon as exists off Indian reservations.

If any such combination exists, or may hereafter be formed at your agency, you will at once report the same in order that prompt action may be taken to rid the service of those engaged in it.

Very respectfully,

JNO. D. C. ATKINS,
Commissioner.

The select committee then adjourned, subject to the call of the chairman.

ARKANSAS CITY, KANS., *Monday, May* 9, 1887.

The select committee met, pursuant to the call of the chairman, at 10 o'clock a. m. Present: Messrs. Platt (chairman), Cullom, and Blackburn.

The resolutions under which the committee was acting were read as follows:

IN THE SENATE OF THE UNITED STATES,
July 31, 1886.

Resolved, That the select committee to investigate the matter of licenses to Indian traders appointed by resolution of the Senate, passed June 3, 1886, be authorized to sit during the recess and to employ a clerk.

Attest:

ANSON G. McCOOK,
Secretary.
By CHARLES W. JOHNSON,
Chief Clerk.

IN THE SENATE OF THE UNITED STATES,
December 7, 1886.

Resolved, That the select committees of the Senate in existence August 5, 1886, be revived and continued during the present session, with all the powers and authorities heretofore given by the Senate to each of the select committees, on the respective subjects to which they relate.

Attest:

ANSON G. McCOOK,
Secretary.

IN THE SENATE OF THE UNITED STATES,
February 22, 1887.

Resolved, That the select committee directed to investigate the subject of the appointment of Indian traders, the granting of licenses to them, and the refusal to extend such licenses to persons engaged as such traders, &c. (appointed under resolution of June 3, 1886), be, and it is hereby continued, and authorized, and directed to continue the said investigation during the coming recess of Congress, with all the powers and authorities granted to said committee by the said resolution of June 3, 1886

Attest:

ANSON G. McCOOK,
Secretary.
By CHARLES W. JOHNSON,
Chief Clerk.

The CHAIRMAN. Before we proceed with the examination of witnesses, I want to put in evidence some lists of persons licensed to trade with the Indians, which the Commissioner of Indian Affairs has furnished me, on request, giving information as to the Indian traders trading at the time he became Indian Commissioner, those who have since been licensed, who have qualified, and are at present trading, and those whose licenses have been revoked or surrendered, together with the letter of transmission.

The papers referred to are as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 30, 1887.

SIR: In compliance with your request of the 21st ultimo, inclosures containing information relative to licensed Indian traders and trading licenses are transmitted herewith.

In a few instances the statements transmitted fail to show upon whose recommendation the licenses were granted, as some have been issued upon the personal recommendation of Senators and Members of the House of Representatives, and a number

of those holding licenses when the present Commissioner assumed the duties of this office have been granted renewals of the same without any recommendations.

Under a former administration, and during about four months of the present administration, the matters relating to Indian traders belonged to the Civilization and Educational Division of the Indian Office, and the correspondence upon these matters was kept indiscriminately with the other correspondence of this Division. There was no system by which the correspondence upon traders could be reached, and it was, therefore, necessary to examine each letter of the correspondence of the Division.

It has been the desire of this office to make the compilation of the data requested as accurate and complete as practicable under the circumstances.

In relation to division 4 of your communication, I will say that no statement of oral promises to grant licenses and the dates of such promises can be given with accuracy, and, as a general reply to the request above mentioned, I will state that I have no recollection of having made any promises with regard to trading licenses which have not been complied with.

It will be seen from the inclosure herewith, that the number of licensed traders has been considerably reduced under the present administration, in pursuance of the new policy adopted.

Soon after I took charge of the office, circular letters were sent to every agency where traders were licensed directing the United States Indian agents to make careful estimates of the gross amount of trade done annually upon the reservations, and report the same to the Indian Office as soon as practicable. This was in pursuance of the policy decided upon to limit the amount of profit which a licensed trader might realize from goods sold to Indians, and to apportion the number of traders upon the reservations according to the amount of trade.

In this connection, it will be observed that most of the revocations of licenses occurred during the first few months of the present administration.

In most cases where renewals of licenses have been refused the action of this office has been prompted by what was deemed the best interest of the Indians. But these positions have been considered, to a certain extent, as other Federal patronage; and in some instances licenses have been granted to persons to take the places of those already upon the reservation, against whom no charges or complaints of misconduct had been filed. Therefore, it will be seen that the fact that a trader has been refused a renewal of his license, or had his license revoked, does not necessarily reflect upon his character as a citizen; for licenses have been revoked and renewals refused upon the ground that, under the new regulations, the number of traders was greater than the trade would justify at the reduced percentage of profit, and also for neglect to conform to the intercourse laws and the rules governing the Indian trade.

If more accurate and complete information is desired upon any matter connected with the subject under investigation it will be furnished, if available, from the files of this office. All records upon the matter are open to the inspection of the committee.

Very respectfully,

J. D. C. ATKINS,
Commissioner.

Hon. O. H. PLATT,
Chairman of the Special Select Senate Committee on Indian Traders.

List of licensed traders whose licenses had not expired by limitation on March 26, 1885, when the present Commissioner of Indian Affairs assumed the duties of his office.

Agency.	Names of traders and residence when licensed.	Location of store.
Arizona.		
Pima, &c	James D. Rittenhouse, Sweetwater, Ariz	Sweetwater and Casa Blanca.
Do	Alfred J. Waketield, Sacaton, Ariz	Sacaton Station.
Do	Edward Phoenix, Gila Station, Ariz	Gila Station.
Do	George Schornick, Pima Station, Ariz	Pima Station.
Do	Charles T. Hayden, Temple, Ariz	Gila River, Double Butte, and Chericum.
New Mexico.		
San Carlos	William. H. Green, Denver, Colo	Agency and Camp Apache.
Do	John R. Miskelly, San Carlos, Ariz	Do.
Do	Joseph F. Grogan	San Carlos and Camp Apache.
Do	Edwin W. Cowles, San Francisco, Cal	Fort Apache.
Colorado.		
Southern Ute	George M. Drake, Denver, Colo	Agency.
Dakota.		
Cheyenne River	William E. Caton, Fairbank, Dak	Do.
Do	George W. Felt, Sioux City, Iowa	Mouth of Bad River.
Do	James C. Robb, Fort Bennett, Dak	Agency.
Crow Creek	A. J. Carrier, Crow Creek Agency, Dak	Do.
Lower Brulé	H. F. Clough & Co. (Herbert F. Clough and William E. Higman,) Sioux City, Iowa	Do.
Devil's Lake	Frank Palmer, Fort Totten, Dak	Do.
Fort Berthold	William B. Shaw, Fort Berthold Agency	Do.
Sisseton	John W. Hines, Sisseton Agency, Dak	Lake Traverse Reservation.
Pine Ridge	E. J. Robinson, Pine Ridge Agency, Dak	Agency.
Do	John G. Mead, Pine Ridge Agency, Dak	Pine Ridge Reservation.
Do	George F. Blanchard, Fremont, Nebr	Agency and Wounded Knee Creek.
Do	White & Gillingham (Howard White, Mount Holly, N. J., and Theodore Gillingham, Pine Ridge Agency, Dak.).	Agency.
Do	Wall & Santee (Ellis W. Wall, Pisheville, Nebr., and John C. Santee, Niobrara, Nebr)	Agency and Porcupine Tail Creek.
Do	George E. Bartlett, Pine Ridge Agency, Dak	Agency and Wounded Knee Creek.
Do	Eldon Sparks, Valentine, Nebr	Porcupine Tail Creek.
Do	Higman & Rawley (William E. Higman, Sioux City, Iowa, and Alfred B. Rawley, Mitchell, Dak.).	Agency and Wounded Knee Creek.
Rosebud	Felt & Jordan (George W. Felt, Sioux City, Iowa, and Charles P. Jordan, Rosebud Agency, Dak.).	Near Oak Creek.
Do	Charles S. Johnson, Wahoe, Nebr	Agency.
Do	Louis Richard, Rosebud Agency, Dak	Do.
Do	E. J. DeBell, Omaha, Nebr	Do.

Standing Rock	Ancil Williams, Ypsilanti, Mich	Do.
Do	Clarence M. Harris, Flint, Mich	Do.
Yankton	Joshua B. Bailey, Herman, Nebr	Do.
Idaho.		
Fort Hall	Stanton G. Fisher, Ross Fork, Idaho	Ross Fork and Pocatello.
Nez Percés	Gideon G. Parker, Nez Percé, Idaho	Lapwai Reserve.
Indian Territory.		
Cheyenne and Arapaho	Hemphill & Woy (John T. Hemphill and John L. Woy,) Sparta, Wis	Agency.
Do	Reynolds, Doty & Hubbell (Albert E. Reynolds and Davis H. Doty, Leavenworth, Kans., Walter N. Hubbell, Darlington, Ind. T.).	Do.
Do	Trustrim Connell, Darlington, Ind. T	Cantonment.
Do	John G. Chapin, Medicine Lodge, Kans	Red Fork Branch.
Do	Campbell & Keller (Charles E. Campbell and Amanda Keller), Darlington, Ind. T	Agency.
Do	David Hays, Wichita, Kans	Agency and Cantonment.
Do	John Murphy, Darlington, Ind. T	Agency.
Kiowa, &c	A. J. Reynolds, Anadarko, Ind. T	Do.
Do	C. A. Cleveland, Anadarko, Ind T	Do.
Do	Frank L. Fred, Andarko, Ind. T	Do.
Do	D. P. Brown, Anadarko, Ind T	Do.
Otoe	John N. T. Gooch, Arkansas City, Kans	Do.
Pawnee	Matlack & Bishop (Stacy Matlack, Arkansas City, Kans., and William D. Bishop, Pawnee Agency, Ind. T.).	Do.
Ponca	Joseph H. Sherburne, Arkansas City, Kans	Mouth of Salt Fork River.
Osage	Frank Labadie, Independence, Kans	Agency.
Do	Bartles & Pratt (Jacob H. Bartles and Eber H. Pratt), Bartlesville, Ind T	Do.
Do	Finney & Schiffbauer (Joseph E. Finney and Charles Schiffbauer), Arkansas City, Kans.	Grey Horse Creek.
Do	John B. Hamilton, Westport, Mo	Agency.
Do	Wismeyer & Bird (Louis A. Wismeyer, Council Grove, Kans., and Robert E. Bird, Rockport, Mo.).	Do.
Do	Patrick Rogers, Osage Agency	Do.
Do	Hale & McCague (John M. Hale, New Harmony, Ind., and Walter McCague, Lawrence, Kans.).	Do.
Do	John R. Skinner (was trading on after expiration of license), Sedalia, Mo	Do.
Kaw	Thomas M. Finney, Lawrence, Kans	Do.
Sac and Fox	Alexander Rankin, Lawrence, Kans	School.
Do	Pickett, Townsend & Wells (Clarkson C. Pickett, Lawrence, Kans.; Eddy B. Townsend, Washington, D. C.; Christian T. Wells, Wellston, Ind. T.).	Wellston.
Do	William R. Little & Co. (William R. Little and David Little), Anadarko, Ind. T	Agency.
Do	Whistler, Pickett & Co. (John Whistler, Ind. T.; Hiram Gibbs and Clarkson C. Pickett, Lawrence, Kans.).	Do.
Do	Clay, Clarke & Co. (Samuel Clay, Red Fork, Ind. T.; Adam Clarke, Lawrence, Kans.; Martin Robinson, Sac and Fox Agency, Ind. T.).	Shawneetown.
Do	Philip P. Wilcox, Denver, Colo	Agency.
Do	Alex. Rankin, Lawrence, Kans	Kickapoo Spring.
Do	Davis & Bruner (Cæsar Bruner and Samuel Davis), Osmit, Ind. T	Osmit.
No agency	William B. Hutchinson, Wichita, Kans	A. & P. R. R.
Sac and Fox	Pilcher & Hubbard (T. R. Pilcher and David Hubbard), Olathe, Kans	Kickapoo Reserve.

List of licensed traders whose licenses had not expired by limitation on March 26, 1885, &c.—Continued.

Agency.	Names of traders and residence when licensed.	Location of store.
Kansas.		
Pottawatomie and Great Nemaha	William A. Margrave, Nohart, Nebr	Nohart.
Do	S. M. Brosius, White Cloud, Kans	Great Nemaha Agency.
Minnesota.		
White Earth	George A. Fairbanks, White Earth Agency	White Earth, Leech Lake, and Red Lake Reservations.
Do	Henry D. McArthur, White Earth, Minn	White Earth Reservation.
Do	Robert Fairbanks, White Earth, Minn	White Earth and Red Lake Reservations.
Do	James Bonga, Leech Lake, Mich	Winnebagoshish.
Do	Leecy & McArthur (John Leecy and Clement R. McArthur), White Earth, Minn	Agency.
Montana.		
Crow	Paul McCormick, Junction City, Mont	Custer Station.
Crow	Charles T. Babcock	Agency.
Do	C. B. Chittenden, Albany, N. Y	Do.
Blackfeet		
Fort Belknap	John W. Power, Fort Belknap, Mont	Fort Belknap and Little Rockies.
Do	James L. Caldwell, Fort Assinaboine, Mont	Fort Assinaboine.
Flathead	Andrew B. Hammond, Missoula, Mont	Agency.
Do	Alexander L. Demers, Saint Ignatius, Mont	Saint Ignatius Mission.
Do	Henry A. Lambert, Montana	Foot of Flathead Lake.
Do	Telesphore G. Demers, Frenchtown, Mont	Arm of the Lake.
Fort Peck	Henry F. Batchelor, Pittsburgh, Pa	Agency, Poplar River, and Wolf Point.
Do	George H. Fairchild, Bismarck, Dak	Poplar River and Wolf Point.
Do	Charles Aubrey, Wolf Point, Mont	Wolf Point and Old Agency.
Nebraska.		
Winnebago and Omaha	H. C. Baird, Omaha, Nebr	Omaha Reservation.
Do	Cornelius J. O'Connor, Winnebago, Nebr	Winnebago Reservation.
Santee and Flandreau	Joseph H. Berker, Santee Agency, Nebr	Agency.
Nevada	E. Griswold, Wadsworth, Nev	Pyramid Lake Reservation.
Do	Meyer Raphael, Wadsworth, Nev	Do.
Do	Belknap Bowers, Nevada	Walker River Reservation.
New Mexico.		
Pueblo	Archibald Rea, Bernalillo County, New Mexico	Isleta Pueblo.
Do	John W. Miller, Jemes, N. Mex	Jemes Pueblo.
Do	Douglas D. Graham, New Mexico	Zuñi Pueblo.
Do	Nathan Barth, Saint Johns, Ariz	Do.

Do	Francisco Delgado, Santa Fé, N. Mex	Pueblo of Santo Domingo.
Do	Alexander de Armond, Cubers, N. Mex	Acoma.
Do	Juan Garcia, San Juan, N. Mex	
Do	Samuel Eldott	San Juan.
Navajo	Thomas C. Poe, Holgate, Ohio	Agency.
Do	B. F. Hyatt & Co. (S. G. Reeder and B. F. Hyatt), Findlay, Ohio	Washington Pass, Fort Defiance, and Agency.
Do	Clark & Aldrich (Elias S. Clark and Stephen E. Aldrich), Manuelito, N. Mex	Lu-ka-cha-kai and Tse-a-lee.
Do	W. R. Fales, Fort Defiance, N. Mex	Fort Defiance and Washington Pass.
Mescalero	George W. Llewellyn, South Fork, N. Mex	Agency.
Siletz	Mrs. C. G. Chambers, Salem, Oreg	Do.
Wisconsin.		
Green Bay	Marion Westcott, Shawano, Wis	Do.
La Pointe	William Weltenhall, Lawyer County, Wisconsin	Lac Court Oreilles Reservation.
Do	Dobie & Stratton (Malcolm Dobie and Milton S. Stratton), Hayward, Wis	Pal-gu-a-ah-wong.
Do	Joseph Allen, Haywood, Wis	Reservation.
Do	L. E. Thomas, Wisconsin	Agency.
Wyoming.		
Shoshone	Noble & Lane (Worden P. Noble, Salt Lake City, Utah; Albert Lane, Shoshone Agency, Wyo.).	Do.
Do	John R. McLaughlin, Lander, Wyo	Do.
Utah.		
Ouray	John W. Hugus & Co. (John W. Hugus and J. M. Thornburg), Ouray Agency	Do.
Do	George W. Basor, Ashley, Utah	Do.
Uintah Valley	Jesse L. Pritchard, Littleton, Colo	Do.
Do.	Howard Miller, Denver, Colo	Do.
Washington Territory.		
Colville	John A. Simms, Washington Territory	Priest's Landing.
Do	Clement B. King, Herman, Nebr	Agency.
Do.	James Monoghan, Miles, Wash	Near Old Mission.
Neah Bay	William Gallick, Colville Agency	Agency.
Do	S. Baxter & Co. (Sutchiffe Baxter, A. M. Brooks, and Jesse W. George; records fail to show residence when licensed).	Do.
Tulalip	Elias B. Moore, Tulalip Reservation, Wash	Records only state that store is on reservation.

List of persons now holding licenses to trade with the Indians (except those among the five civilized tribes in the Indian Territory), giving the dates when such licenses were issued, locations of stores, residences of traders, and the names of those by whom they have been recommended.

[Many recommendations and suggestions with regard to the Indian trade and traders have been included in the reports of special United States Indian agents and inspectors which it would require almost infinite search and labor to collect, and some have been licensed upon personal recommendations of which there is no record.]

Agency.	Date of license.	Names of traders and residence when licensed.	Location of store.	By whom recommended.
Arizona.				
Pima	Apr. 7, 1887	James D. Rittenhouse, Florence, Ariz.	Sweetwater, five miles from Agency.	An old trader relicensed without any further recommendation.
San Carlos	May 6, 1886	Willis B. Horton, Tucson, Ariz	Agency	T. M. Norwood, Savannah; George Harvey, Canton, Miss.; Hon. J. G. George, United States Senate; G. A. Wilson, Lexington, Miss.
Do	Oct. 2, 1886	W. W. Chapel, Appleton City, Mo	do	B. M. Dilley, Hamilton, Mo. (State senator); W. E. Shelton, J. M. Cassity, N. J. Ring, N. W. Murrell (editor Standard), and J. H. Smith, all of Appleton City, Mo.; Hon. F. M. Cockrell, United States Senate; Hon. W. J. Stone, House of Representatives.
Do	Jan. 27, 1887	A. C. Bernard, Tucson, Ariz	Fort Apache	F. E. Pierce, acting United States Indian agent, San Carlos agency, Captain First Infantry, United States Army; General George Crook, United States Army.
Colorado.				
Southern Ute	Mar. 18, 1887	Thomas J. Roush, Logansport, Ind	do	Hon. Isaac P. Gray, Governor of Indiana; F. Hoover, ex-United States Indian agent; Hon. D. W. Voorhees, United States Senate.
Dakota.				
Cheyenne River	Jan. 11, 1887	James C. Robb, Fort Bennett, Dak	do	An old trader relicensed upon the recommendation of the United States Indian agent; William H. Day, esq., of Tyndall, Dakota, and L. D. Palmer, postmaster, Yankton, Dakota.
Crow Creek				A. J. Carrier at this point continued trading until his death. No new license has been granted at this point.
Lower Brulé	Nov. 16, 1886	S. Winter & Co. (Sylvan Winter and Moses Winter), Arkansas.	do	Hon. A. H. Garland, United States Attorney-General; Hon. T. C. McRae, House of Representatives; three petitions signed by citizens, lawyers, and business men, whose names are too numerous to include in this list.
Fort Berthold	Nov. 25, 1886	Howard M. Cosier, Fort Berthold, Dak.	do	General T. S. Rosser and J. S. Winston, esq.
Sisseton	April 6, 1887	John W. Hines, Sisseton Agency, Dakota.	Lake Traverse	An old trader relicensed. Recommended by the United States Indian agent at Sisseton.

Pine Ridge	June 10, 1886	M. W. King, Oakdale, Nebr.	do	
Do	June 29, 1886	Assay & Speer, E. G. Assay, James H. Spear, Pine Ridge Agency.	do	W. L. Allen, editor Chicago Daily Telegram; Carter H. Harrison, mayor of Chicago; Hon. W. R. Morrison, House of Representatives; Senator George; T. R. Walsh, president Chicago National Bank; S. Corning Judd, Chicago.
Do	Aug. 13, 1886	Wallace, Moffitt & Co. (David F. Wallace and James W. Moffitt, McMinnville, Tenn.; Henry A. Danson, Rockville, Md.).	Agency and Porcupine Creek.	
Rosebud	Oct. 5, 1886	Marion D. Lytle, Murfreesboro, Tenn.	do	Hon. James D. Richardson, House of Representatives.
	Feb. 21, 1887	E. J. Debell, Rosebud Agency	do	Hon. C. H. Van Wyck, United States Senate; General Joseph Hollman, Nebraska. He was an old trader relicensed.
Standing Rock	June 18, 1886	R. C. K. Martin, Nashville, Tenn	do	A. H. Mumford (representative State legislature); Hon. A. J. Caldwell, House of Representatives; Hon. W. C. Whitthorne, United States Senate; T. W. Dick Bullock, esq., Franklin, Tenn.; William Amison (representative legislature); O. H. Hight, secretary Merchants' Exchange, Nashville; Hon. Jonn V. Wright, Nashville; Hon. W. B. Bate, governor of Tennessee; D. B. Cooper, esq., editor Nashville American; E. E. Tansil, esq., Nashville; Hon. J. F. House, House of Representatives; John V. Vertrees, esq., Nashville; Hon. Thomas A. Kercheval, mayor of Nashville; S. J. Keith, president Fourth National Bank, Nashville; B. F. Cheatham, esq., postmaster, Nashville.
Do	Feb. 17, 1887	Richard F. Woolfolk, Bismarck, Dak.	do	John R. Wilson, Deadwood, Dak.; Hon. M. H. Day, D. W. Marata, and T. W. McKenney, all of Dakota; C. A. Lounsbury, esq., and Justus Bragg, esq., both of Bismarck.
Yankton	June 12, 1886	Joshua B. Bailey, Herman, Nebr	do	Old trader relicensed upon the recommendation of the United States Indian agent.
Idaho.				
Fort Hall	July 3, 1886	Campbell & Walker (James E. Campbell, Fred. K. Walker), Michigan.	Ross Fork and Pocatello	Hon. W. C. Maybury, House of Representatives; Hon. F. E. Tarsney, House of Representatives; Hon. Edwin B. Winans, House of Representatives; Hon. E. C. Carleton, House of Representatives; Hon. N. B. Eldridge, House of Representatives; Hon. C. C. Comstock, House of Representatives; Jerome Eddy, esq., Michigan; Allen B. Morse, chief justice of Michigan.
Do	Jan. 21, 1887	Bible, Brown & Johnson (James H. Bible, John G. Brown, and James F. Johnson), Cleveland, Tenn.	Fort Hall Reservation	
Nez Percé	May 3, 1886	H. K. Barrett, Lewiston, Idaho	Lapwai Reserve	Petition signed by citizens and business men of Lewiston, Idaho; also by the United States Indian agent. The old trader was relicensed, but he returned his license.
Indian Territory.				
Cheyenne and Arapahoe	Sept. 28, 1886	John Murphy, Darlington, Ind. T.	do	New license granted upon the recommendation of the United States Indian agent.

List of persons now holding licenses to trade with the Indians (except those among the five civilized tribes in the Indian Territory), &c.—Continued.

Agency.	Date of license.	Names of traders and residence when licensed.	Location of store.	By whom recommended.
Indian Territory—Continued.				
Cheyenne and Arapahoe	Oct. 22, 1886	J. F. Samson, Darlington, Ind. T.....	Lapwai Reserve	(Keeps livery stable at Agency); United States Indian agent; necessity for the business urged by George W. Maffet, United States commissioner; S. D. Wilson, deputy United States marshal, and E. O. Noble, superintendent Arapahoe school.
Do.....	Jan. 18, 1887	Settle & Caldwell (Thomas J. Settle, Saint Louis, Mo.; James A. Caldwell), Pontiac, Ill.	Arapahoe Reservation....	The following representatives in the State legislature of Illinois: M. Cleary, James Kenney, James Harrington, E. C. Crafts, Thomas H. Riley, and E. S. Browne; T. J. Bunn, and James E. Ewing, both of Bloomington, Ill.; Hon. L. E. Payson, House of Representatives; Hon. F. M. Cockrell, United States Senate; Hon. D. R. Francis, mayor of St. Louis; D. P. Rowland, esq.; W. C. W. Samuel, esq.; Walter S. Carr, esq.; W. H. Stone, esq.; B. F. Hammett, esq., all of St. Louis, Mo.
Do.....	Jan. 21, 1887	Walker B. Barker, Macon, Miss	Agency.....	The United States Indian agent.
Do.....	Apr. 6, 1886	John Chapin, Red Fork Ranch, Ind. T.	Red Fork Ranch.....	Necessity of post urged by Maj. Sumner, Fifth Cavalry, U. S. Army. License renewed upon the recommendation of the United States Indian agent.
Kiowa, &c.....	Mar. 28, 1887	Dudley P. Brown, Anadarko, Ind. T..	Agency.....	Hon. W. C. P. Breckenridge, House of Representatives; Jonas Hutchinson, Chicago, Ill.; and the United States Indian agent; J. D. Hunt, Lexington, Ky.
Do.....	Feb. 16, 1887	A. J. Reynolds, Anadarko, Ind. T	.....do	
Do.....	Feb. 28, 1887	Frank L. Fred, Anadarko, Ind. T.....	.....do	Hon. J. R. Tucker, House of Representatives; Webb Hendrix, esq., Anadarko, Ind. T.; Hon. Eppa Hunter, Washington, D. C.; the United States Indian agent; H. C. West, esq., St. Louis, Mo.; and J. F. Arnold, esq., Graham, Tex.
Do.....	Apr. 7, 1887	Collier & Sneed (Z. T. Collier, McKenzie, Tenn.; R. A. Sneed, Jackson, Tenn.).	Fort Sill and agency.....	
Otoe.....	June 28, 1886	Peter Wyckoff, Arkansas City, Kans.	Agency.....	Petition containing numerous names of professional and public men.
Ponca	June 30, 1886	J. H. Halley, Illinois	.....do	Hon. S. Z. Landis, House of Representatives; Hon. William M. Springer, House of Representatives; Hon. William R. Morrison, House of Representatives; Hon. J. M. Riggs, House of Representatives; Hon. N. E. Worthington, House of Representatives; Hon. R. W. Townshend, House of Representatives; Hon. William H. Neece, House of Representatives; Hon. James H. Ward, House of Representatives; Hon. Frank Lawler, House of Representatives.
Pawnee.....	Feb. 28, 1887	William T. Baldwin, Jessamine County, Ky.	.....do	Hon. J. B. McCreary, House of Representatives.

Do	Mar. 17, 1887	Ochs & Nicholson (Isaac Ochs, Henry C. Nicholson, Arkansas City, Kans.).	do	L. J. Miller, esq., Auburn, Ind.; Hon. R. Lowry, House of Representatives; T. J. Schiffbauer, mayor of Arkansas City, Mo.; petition containing numerous names of citizens of Arkansas City, Kans.; also a petition from Auburn, Ind.
Osage	July 9, 1886	Bartles, Hartley & Raub (Jacob H. Bartles, Ind. T.; George S. Hartley and Adam B. Raub, Earl Park, Ind.).	do	C. C. Rainwater, esq., St. Louis, Mo.; J. E. Dodson, esq., Osage Agency, Ind. T.; Hon. F. M. Cockrell, United States Senate; Hon. G. G. Vest, United States Senate; petition signed by numerous business men of Saint Louis, Mo.; Hon. J. E. McDonald, Indianapolis, Ind.; S. P. Sheridan, clerk supreme court of Indiana; Hon. J. P. Way, governor of Indiana.
Do	July 26, 1866	John R. Skinner, Pawhuska, Ind. T.	do	Hon. John T. Heard, House of Representatives; R. M. Yost, esq., Critic staff, Washington, D. C.; the Unites States Indian agent.
Do	Sept. 29, 1886	R. E. Bird, Rockport, Mo	do	Samuel Davis & Co., St. Louis, Mo.; the United States Indian agent; petition containing names of citizens of Rockport, Mo.; M. B. Nicholson, judge 8th judicial district Kansas; Hon. James N. Burns, House of Representatives.
Do	Dec. 29, 1886	Hale & Phillips (John M. Hale, New Harmony, Ind.; Jacob H. Phillips, Centreville, Tenn.).		Hon. R. Lowry, House of Representatives; leaves letter of W. H. Meeks, Savannah, Tenn.; Hon. I. G. Harris, United States Senate; leaves letter of H. P. Foulkes, esq., of Franklin, Tenn.; J. H. Moore, esq., Centreville, Tenn.; Hon. J. M. Taylor, House of Representatives.
Do	Mar. 7, 1887	Branham & Sheddan (H. Parke Branham, Oxford, Miss.; A. B. Sheddan, Brooklyn, N. Y.).	Gray Horse Creek	
Sac and Fox	Mar. 18, 1887	S. J. Scott & Co. (S. J. Scott and Mark S. Cohn, Fort Smith, Ark.).	Shawnee Town	Hon. John H. Rogers, House of Representatives.
Do	Aug. 31, 1886	Alexander Rankin, Lawrence, Kans.	Kickapoo Springs	John R. Rankin, esq., Lawrence, Kans.; Governor Ross of New Mexico; Hon. G. W. Glick, and N. F. Acres, esq., of Topeka, Kans.
Do	Dec. 29, 1886	William B. Shaw, jr., Washington, D. C.	do	Hon. S. J. Randall, House of Representatives; Hon. A. H. Garland, United States Attorney-General.
Do	Feb. 10, 1886	Clardy & Co. (J. E. Clardy and William Clardy, Johnson P. O., Ind. T.).	Osmit	Hon. John Hailey, House of Representatives; Hon. John B. Stone, House of Representatives; Hon. John J. O'Neill, House of Representatives; Hon. S. W. Peel, House of Representatives; Hon. T. G. Skinner, House of Representatives; Hon. John M. Allen, House of Representatives; Hon. John B. Hale, House of Representatives; Thomas T. Murray, esq., editor Wamego Democrat, Wamego, Kans.; J. W. Martin, esq., Topeka, Kans.; John Mileham, Kans.; Robert Scott, esq., Wamego, Kans.
No agency	June 9, 1886	R. M. Wright, Dodge City, Kans	Along Southern Kansas Railroad.	Hon. John J. Ingalls and Hon. P. B. Plumb, United States Senate.
Do	July 7, 1886	T. A. Butler, New Kiowa, Kans	do	Hon. S. R. Peters, House of Representatives.
Do	Nov. 20, 1886	Conrad, Shenfield, New Kiowa, Kans.	do	Do.
Do	Nov. 24, 1886	Ward & Courtney (Patrick Ward and John Courtney), New Kiowa, Kans.	do	Do.
Pottawatomie and Great Nemaha.	May 1, 1886	Charles P. McCarty, Strother, Mo	Great Nemaha Agency	Hon. John B. Hale, House of Representatives.
Do	Oct. 18, 1886	W. W. Letson, Netawaka, Kans	With Kickapoo tribe	Hon. John J. Ingalls, United States Senate, and Hon. G. W. Glick, of Topeka, Kans.

List of persons now holding licenses to trade with the Indians (except those among the five civilized tribes in the Indian Territory), &c.—Continued.

Agency.	Dote of license.	Names of traders and residence when licensed.	Location of store.	By whom recommended.
Minnesota.				
White Earth	June 2, 1886	Leecy & McArthur (John Leecy and Clem R. McArthur), White Earth, Minn.	White Earth Agency	The United States Indian agent.
Do	June 2, 1886	George A. Fairbanks, White Earth, Minn.	Agency, Leech Lake and Red Lake.	Hon. D. M. Sabin, United States Senate; Bishop H. B. Whipple, Faribault, Minn.; the United States Indian agent.
Do	Oct. 22, 1886	A. R. Jourdan, Leech Lake, Minn	Leech Lake	John T. Wallace, special agent Department of Justice; J. B. Colegrove.
Montana.				
Crow	June 23, 1886	Frank S. Whitney, Junction City, Mont.	Custer Station	The United States Indian agent.
Do	Sept. 29, 1886	Charles T. Babcock, Crow Agency, Mont.	Agency	George R. Milburn, esq., ex-special United States Indian agent; Hon E. B. Winans, House of Representatives; Hon. M. V. Montgomery, John H. Pedewa, esq., Saint John's, Mich.; James T. Christie, esq., Washington, D. C.; Martin Maginnis, Helena, Mont.; Auerbach, Finch & Van Slych, Saint Paul, Minn.
Do	Apr. 1, 1887	Paul McCormick, Junction City	Custer Station	The United States Indian agent.
Flathead	Aug. 5, 1886	A. L. Demers	Saint Ignatius Mission	The United States Indian agent; Hon. G. G. Vest, United States Senate.
Do	Oct. 30, 1886	A. B. Hammond	Arlee Station	The United States Indian agent.
Do	Dec. 1, 1886	T. G. Demers, Saint Ignatius, Mont	Arm of Lake	Moody & Marshall, of Missoula, Mont.; the United States Indian agent.
Fort Belknap	May 15, 1886	John W. Power, Fort Benton, Mont	Fort Belknap and Little Rockies.	
Do	Mch. 22, 1887	J. L. Caldwell, Fort Assinaboine, Mont.	Fort Assinaboine	Hon. S. J. R. McMillan, United States Senate; Martin Maginnis, esq., Helena, Mont.; A. H. Wilder, esq., Saint Paul, Minn
Fort Peck	Aug. 14, 1886	Philip W. Lewis, Poplar Creek, Mont.	Poplar Creek, Wolf Point.	Hon. Ignatius Donnelly, General Thomas S. Rosser.
Do	Mch. 24, 1887	E. J. Dodge, Ligonier, Ind	Agency	Hon. R. Lowry, House of Representatives.
Tongue River	June 4, 1886	George Walters, Miles City, Mont	do	The United States Indian agent.
Nebraska.				
Omaha and Winnebago	Sept. 13, 1886	C. J. O'Connor, Winnebago, Nebr	Winnebago Agency	Charles H. Brown, esq., Omaha, Nebr.; the United States Indian agent; Hon. C. H. Van Wyck, United States Senate.
Do	Sept. 17, 1886	Thomas C. Baird, Homer, Nebr	Omaha Agency	General Joseph Hollman, of Emerson, Nebr.; Hon. C. H. Van Wyck, United States Senate.
Santee and Flandreau	Feb. 12, 1887	Joseph H. Barker, Santee Agency, Nebr.	Agency	Judge James A. Cooley and number of citizens of Niobrara, Nebr.

Nevada.				
Nevada	Oct. 7, 1886	William H. Meserve, Wadsworth, Nev.	Walker River Reservation.	The United States Indian agent, and a petition of citizens of Washoe County, Nevada.
Do	Dec. 3, 1886	James M. Graham, Wadsworth, Nev.	Pyramid Lake Reservation.	The United States Indian agent; D. Proctor, esq., and M. Raphael, both of Wadsworth, Nev.
New Mexico.				
Mescalero	Nov. 1, 1886	Kennedy & Co. (Nicholas J. Kennedy and Candelaria Kennedy), Las Cruces, N. Mex.	Agency	Hon. A. Joseph, House of Representatives; the United States Indian agent.
Navajo	July 8, 1886	Aldrich & Sweetland (Stephen E. Aldrich and A. S. Sweetland), Manuelito, N. Mex.	Tse-a-lee	Hon. H. S. Van Eaton, House of Representatives; William Parsons, special United States Indian agent; Hon. N. W. Aldrich, United States Senare.
Do	Feb. 9, 1886	John M. Weidemeyer, Clinton, Mo.	Fort Defiance	G. Y. Salmon, esq., Clinton, Mo.; Hon. G. G. Vest, United States Senate; Thomas M. Casey, esq., and Henry C. Allen, both of Clinton, Mo.
Do	Mch. 7, 1887	Michael Donovan, Baldwinsville, N.Y.	Chin-lee	Hon. Frank Hiscock, House of Representatives.
Pueblo	Oct. 21, 1886	D. D. Graham, Zuni.	Zuni Pueblo	The United States Indian agent.
Do	Feb. 15, 1887	A. Rea, Bernadillo County, New Mexico.	Isleta Pueblo	Do.
Utah.				
Ouray	Apr. 24, 1886	Oran L. Curry, Harrodsburg, Ky.	Ouray Agency	Hon. Philip Thompson, Washington, D. C.
Uintah	Oct. 2, 1886	A. G. Barhydt & Co. (A. G. Barhydt, Plattsmouth, Nebr.; Howard Miller, Denver, Colo.).	Agency	Hon. B. J. Hall, House of Representatives; Hon. J. H. Murphy, House of Representatives; Hon. J. B. Weaver, House of Representatives; James E. Boyd, esq., of Omaha, Nebr.; R. S. Proudfit, esq., Guide Rock, Nebr.; L. Y. Kaine, esq., Toledo, Ohio; F. A. Harman, esq., Bloomington, Ill.; John M. Marigal, esq., Lincoln, Nebr.; Geo. L. Miller, esq., Omaha, Nebr.; Samuel G. Glover, esq., Arlington, Nebr.
Do	Nov. 16, 1886	Hayden Calvert, White Rocks, Utah	do	Hon. Philip B. Thompson, Washington, D. C.
Wasington Territory.				
Neah Bay	Feb. 8, 1886	Louis P. Palmer, Neah Bay Wash. Ter.	do	Hon. W. J. Stone (Ky.), House of Representatives.
Tulalip	June 10, 1886	Judith C. Moore, Tulalip, Wash. Ter.	do	Licensed in place of her husband, E. B. Moore, deceased, upon the recommendation of the United States Indian agent.
Wisconsin.				
Green Bay	Dec. 3, 1886	William H. Stacy, Clintonville, Wis.	do	Myron Read, esq., Waupaca, Wis.; W. A. Walker, esq., Manitowoc, Wis.; Hon. E. S. Bragg, House of Representatives; F. F. Green, esq., Hunting, Wis.; Hon. Joseph Rankin, House of Representatives; a petition containing names of public men and citizens of Wisconsin.
Do	July 27, 1886	Dobie & Stratton (Malcolm Dobie and Milton S. Stratton), Minneapolis, Minn.	Lac Court Oreilles	The United States Indian agent.
Do	Feb. 8, 1887	Calligan Brothers (George M. Calligan and P. H. Calligan), Chippewa Falls, Wis.	Lac Court Oreilles Reservation.	

List of persons now holding licenses to trade with the Indians (except those among the five civilized tribes in the Indian Territory), &c.—Continued.

Agency.	Date of license.	Names of traders and residence when licensed.	Location of store.	By whom recommended.
Wisconsin—Continued.				
Green Bay	Feb. 8, 1887	*Donald McDonald, Chippewa Falls, Wis.	Lac Court Oreilles	
Do	Feb. 8, 1887	*Gaynor & Bergeron (Thomas Gaynor and Charles Bergeron), Chippewa Falls, Wis.	Lac Court Oreilles Reservation	
Do	Feb. 8, 1886	*Peter Bergevin, Chippewa Falls, Wis.	Lac Court Reservation	
Wyoming.				
Shoshone	Nov. 24, 1886	Noble & Lane (Worden P. Noble, Salt Lake City; Albert D. Lane, Shoshone Agency, Wyo.).	Agency	Renewed upon the recommendation of the United States Indian agent.
Do	Mch. 16, 1887	Simon Silberberg, New York City.	do	Hon. Timothy Campbell, House of Representatives.

* These licenses all expire on June 1, 1887.

List of licensed traders who have surrendered their licenses or had the same revoked since the present Commissioner of Indian Affairs assumed the duties of his office.

[In some instances notice had been given traders that their licenses would be revoked, but such revocation was never actually enforced. Such cases have not been included in the list transmitted. Owing to the want of system heretofore practiced in keeping the correspondence, &c., relating to traders, this list may be incomplete in some instances, but the effort has been made to give all the data available.]

Agency.	Date of license.	Names of traders and residence when licensed.	Date of revocation or surrender.	By whom recommended, &c.
Arizona.				
San Carlos	Nov. 26, 1884	E. W. Cowles, San Francisco, Cal	Revoked, to take effect Aug. 16, 1885.	Cowles, Cleveland, Ohio; Hon. E. B. Taylor, House of Representatives.
	Nov. 28, 1884	J. F. Grogan, San Carlos, Ariz	do	P. P. Wilcox, United States Indian agent.
	May 19, 1886	John C. O'Keefe, Appleton City, Mo.	Revoked, to take effect Aug. 6, 1886.	Petition with many names of public men and citizens of Colorado; Hon. John T. Heard, House of Representatives; Hon. F. M. Cockrell, United States Senate.
Dakota.				
Cheyenne River	May 7, 1885	W. E. Caton, Yankton, Dak.	Revoked Jan. 21, 1886.	Relicensed without any further recommendation.
	Apr. 22, 1886	E. P. Doherty, New Orleans, La	Revoked Dec. 14, 1886.	Hon. J. Floyd King, House of Representatives; Hon. N. C. Blanchard, House of Representatives; Hon. Irion, House of Representatives; Hon. R. L. Gibson, United States Senate Hon. C. M. Shelley, Fourth Auditor, Treasury Department, Hon. I. L. Pugh and Hon. M. C. Butler, United States Senate.
Crow Creek	Dec. 6, 1886	Horatio S. Smith, Grass Lake, Mich	Surrendered Feb. 3, 1887	Hon. Don. M. Dickinson, Detroit, Mich.; a petition with many names of citizens of Michigan; M. H. Raymond, M. D., Grass Lake, Mich.; Hon. Louis M. Powell, judge of probate, Jackson County, Michigan; C. H Harris, esq., superintendent Jackson, Fire, Clay & Co., Jackson, Mich.; Charles E. Snow, esq., clerk, Jackson County Michigan; Samuel Bunker, esq., postmaster, Grass Lake, Mich.; Hon. W. C. Maybury, House of Representatives.
Pine Ridge	Feb. 4, 1885	E. J. Robinson, Pine Ridge	Revoked, to take effect Sept. 1, 1885; a license to Fry & Robinson was still in force, but Mr. Fry, having withdrawn, a license had been issued to Robinson on date given.	Was licensed as successor to Fry & Robinson, Angus Cameron, esq., La Crosse, Wis.; the United States Indian agent.
	Feb. 17, 1885	White & Gillingham, Mt. Holly, N. J.	Licensed at two points, Agency and Wounded Knee Creek; former issued Nov. 7, 1884, latter, Feb. 17, 1884. License for Agency revoked, to take effect Sept. 1, 1885, the one at Wounded Knee Creek allowed to keep open till Jan. 1, 1886.	The United States Indian agent; Hon. Charles E. Hooker, House of Representatives; H. B. Smith, House of Representatives.
	Nov. 7, 1885	Howard & White, Mt. Holly, N. J.		
		Theodore Gillingham, Pine Ridge Agency, Dak.		

List of licensed traders who have surrendered their licenses or had the same revoked, &c.—Continued.

Agency	Date of license.	Names of traders and residence when licensed.	Date of revocation or surrender.	By whom recommended, &c.
Dakota—Continued.				
Pine Ridge	Jan. 5, 1885	Eldon Sparks, Valentine, Nebr	Revoked, to take effect Nov. 15, 1885.	Hon. John J. Ingalls, United States Senate.
	Apr. 30, 1885	Higman & Rowley, Sioux City, Iowa (William E. Higman and Alfred B. Rowley, Mitchell, Dak.).	Revoked, to take effect Sept. 1, 1885, but later revocation suspended and they kept open until they sold out to M. W. King.	United States agent recommends that license issue to them in place of George F. Blanchard, who will resign voluntarily.
Rosebud	Dec. 2, 1884	Louis Richard, Rosebud Agency, Dak.	Revoked, to take effect Nov. 1, 1885.	The United States Indian agent.
Standing Rock	June 18, 1886	R. C. K. Martin, Nashville, Tenn	Revoked, to take effect sixty days from receipt of the communication sent to agent on Apr. 4, 1887.	See list of traders whose licenses are now in force.
Kiowa, &c	June 19, 1885	M. B. Harris & Co. (M. B. Harris, C. W. Jacobs, P. C. Lovelace).	Revoked Aug. 10, 1885.	W. P Bond, Trenton, Tenn.; R. P. Caldwell, Trenton, Tenn.; B. A. Enloe, esq., Milan, Tenn.; Hon. R. P. Cole, Milan, Tenn.; petition with names of business and professional men of Milan, Tenn.; A. D. Bright, Jackson, Tenn.; John J. Freeman, esq., Trenton, Tenn., Hon. P. T. Glass, House of Representatives.
Pawnee	Oct. 29, 1886	E. J. Dodge, Ligonier, Ind	Revoked Dec. 17, 1885	Hon. R. Lowry, House of Representatives.
Osage	Sept. 19, 1885	George C. Ellison, New York City	Resignation of license accepted Dec. 17, 1885.	Withdrew his recommendations.
	Apr. 30, 1885	Bartles, Wismeyer & Co. (Louis A. Wismeyer, Council Grove, Kans.; Jacob H. Bartles, Bartlesville, Ind, T.; Robert E. Bird, Rockport, Mo.).	Store at Grey Horn Creek. Revoked on Sept. 30, 1885.	The United States Indian agent. (Bartles is a citizen of the Cherokee Nation, and has been relicensed).
	July 19, 1886	Hiram Tyler, Ripley, Ohio	Surrendered license on	Hon. W. W. Ellsbury, House of Representatives.
Sac and Fox	Dec. 27, 1884	P. P. Wilcox, Denver, Colo	Revoked, to take effect Nov. 1, 1885.	
	Feb. 24, 1885	Pilcher & Hubbard (T. R. F. Pilcher and David Hubbard, Olathe, Kans.).	Revoked, to take effect Jan. 1, 1886.	
	Mar. 16, 1885	Davis & Bruner (Cæsar Bruner and Samuel Davis, Osmit, Ind. T.).	Revoked, to take effect Jan. 1, 1886.	The United States Indian agent.
	Nov. 17, 1885	McClung Bros. (Rufus McClung, Terrell, Tex.; H. L. McClung, Knoxville, Tenn.).	Surrendered Jan. 16, 1886	
Crow	Sep. 11, 1885	H. G. Armstrong, Charleston, W. Va.	License surrendered	J. J. S. Hassler, esq., appointment clerk, Interior Department.

Fort Peck	Mar. 26, 1886	Hugh Hitchcock, Crete, Nebr	Revoked Sept. 21, 1886	J. E. Boyd, mayor of Omaha, Nebr.; Tobias Castor, esq., Wilber, Nebr.; H. M. Wells, esq., proprietor State Vidette, Crete, Nebr.; John A. McShane, esq., State senator, Omaha, Nebr.; G. P. Marvin, esq., Beatrice, Nebr.; George Canfield, esq., Omaha, Nebr.; Joseph Bigler, esq., Crete, Nebr., and a number of other citizens of Nebraska; Hon. J. Sterling Morton, of Nebraska.
Pueblo	July 1, 1885	C. Mindeleff, Washington, D. C	Resigned license Nov. 13, 1885	Hon. J. W. Powell, director United States Geological Survey.
Mescalero	Feb. 27, 1885	G. W. Llewellyn, South Fork, N. Mex.	Revoked, to take effect Sep. 1, 1885.	Hon. J. Laird, House of Representatives; F. W. Palmer, clerk at Mescalero Agency; Jerome J. Weinberg, lieutenant Thirteenth Infantry, United States Army.
La Pointe	Apr. 7, 1886	H. C. Tatum, Upper Alton, Ill	Revoked Aug. 9, 1886	James Hill, esq., Saint Louis, Mo.; S. W. Cobb, esq., president Merchants' Exchange, Saint Louis, Mo.; D. R. Francis, esq., Saint Louis, Mo.; Hon. William R. Morrison, House of Representatives.
Uintah	Oct. 2, 1886	A. G. Barhydt, Plattsmouth, Nebr	Revoked, but upon a more complete presentation of the case was relicensed with Howard Miller, under firm of A. G. Barhydt & Co. See their recommendations, list of traders whose licenses are now in force.	
Colville	May 6, 1886	J. Monaghan, Cœur d'Alene, Idaho	Resigned Oct. 6, 1886	The United States Indian agent.
Neah Bay	Jan. 28, 1885	S. Baxter & Co. (Sulcliffe Baxter, A. M. Brooks, and Jesse W. George. Records fail to show residence when licensed).	Revoked, to take effect Oct. 14, 1885.	
Tulalip	Dec. 22, 1885	J. M. Quilter, Seattle, Wash	Resigned Jan. 27, 1886	The United States Indian agent.
	Sept. 27, 1886	Richard Hardisty, Collington, Md	Surrendered license	Hon. Barnes Compton, House of Representatives; B. H. Robertson, esq., Washington, D. C.
Shoshone	Mar. 5, 1886	B. A. Phelps, Topeka, Kans	Verbal surrender of license	Hon. J. B. Weaver, House of Representatives.

TESTIMONY OF WILLIAM R. LITTLE.

WILLIAM R. LITTLE, having been duly sworn by the chairman, was interrogated as follows:

By the CHAIRMAN:

Question. Of what State are you a native?—Answer. I am a native of Illinois.

Q. You have been an Indian trader, have you not?—A. Yes, sir.

Q. At what place?—A. At the Sac and Fox Agency.

Q. When were you first licensed there?—A. I was licensed there in the fall of 1883; that was my first license.

Q. Are you sure whether it was 1882 or 1883?—A. I am not sure which it was. I have all my licenses at my room. It was either 1882 or 1883, I do not remember which.

Q. What had been your business experience and history previous to that time?—A. I was a commissary clerk at the Pawnee Agency.

Q. Before that time what was your employment before you became a commissary clerk?—A. I came to this city in the fall of 1880, and went to herding stock for a man by the name of Berry.

Q. What is your age now?—A. I am thirty-two years of age at the present time.

Q. From what town in Illinois did you come?—A. I came from Rock Island.

Q. From herding stock you went to the Sac and Fox Agency as a commissary clerk?—A. No sir: I was herding stock for Mr. Berry close to the Pawnee Agency. I herded for him three months at the rate of $10 a month, and the agent afterwards had me appointed as his Government herder, and I staid with him from along in the fall, I think it was in December, until the next spring, all through the winter, herding cattle that he was issuing to the Indians. Every week he issued cattle to the Indians. Afterwards, in the spring, he appointed me as his commissary clerk.

Q. How did you get your appointment as Indian trader; do you know?—A. I went to Washington for it myself.

By Senator CULLOM:

Q. Do you mean to say that you got the appointment on your own application without any indorsement?—A. I got recommendations from my friends in Illinois, from Senator Logan, and from parties who were well acquainted with me who were living here. My bond was made here in this city, and I went to Washington and laid my matter before Commissioner Price and he gave me a license.

By the CHAIRMAN:

Q. Under what name did you trade at the Sac and Fox Agency?—A. The first year I traded there it was just under the name of W. R. Little. Then afterwards my brother came there to help me with the trade, as I was not able to handle it myself, being alone and having only Indian employés; of course it was a pretty difficult matter to handle it alone, with only Indians for helpers. My brother came there, and he and I worked together and afterwards the license I got, the renewing license, was William R. Little & Co. (William R. and D. T. Little).

By Senator BLACKBURN:

Q. What year was that?—A. That was in 1884.

By the CHAIRMAN:

Q. How many traders were there at the agency?—A. There was one trader or trading firm, the firm of Whistler, Pickett & Co. There was one establishment, but several were in the trade.

Q. There were two traders there, then?—A. Yes, sir; two with myself.

Q. When did your license expire?—A. My license expired on the 8th of September, 1885.

Q. At that time how much capital had you invested in the business, or, to put it in another way, what stock of goods were you carrying?—A. I was carrying then about——

Senator BLACKBURN. What time is this that he speaks of?

The CHAIRMAN. The time of the expiration of his license, September 8, 1885.

The WITNESS. I had in the neighborhood of about $3,800 worth of goods.

Q. And had you debts due you?—A. Yes, sir,

Q. For what amount?—A. Close to $15,000.

Q. Right here, why was it necessary that you should have your goods trusted out or have the Indians owing you?—A. It had been the custom long before I went there to trust the Indians, and I, coming there as a new man, found a great many of the Indians were dissatisfied with the way trade had been running, and wanted to quit trading with the other store there and trade with me. But they had not any money, and the chief and several of the headmen came to me and asked me if I would not give them credit on their annuities, and I told them I would, and I traded right along with them in that way, and when the first annuity payment came I collected everything that was owing me except about $40 out of a total of $6,000. Then the next annuity came and I traded on that for six months, and they paid that; and when the proper time came, six months afterwards, I had out about $9,000 in that way.

Q. I do not care to go into the details of the matter, but what I wish to know is whether a cash trade by an Indian trader is practicable or not?—A. No, sir; it is not.

Q. Why not?—A. Because the Indians do not get their money only every six months, and they trade on the strength of their annuities.

Q. And when they get their money they come and pay their debts?—A. Yes, sir; they come and pay for what they have bought.

Q. So that the Indians really have money only twice a year?—A. Yes, sir; that is all.

Q. And then they only have it a short time?—A. Yes, sir; but a short time. For about a month you will have a cash trade and afterwards you will have to run on credit.

Q. So far as you know, is that the necessity of the trade at all Indian traders' establishments?—A. I do not know; I am only speaking of the way it was at the Sac and Fox Agency.

Q. Your license, you say, expired on the 8th of September, 1885?—A. Yes, sir.

Q. Did you make an application for its renewal?—A. I did.

Q. When?—A. I made an application in August previous to that, and I was notified that I would not get a license for trade.

Q. You were notified by whom?—A. I was notified by the Commissioner of Indian Affairs through the agent; the agent was the party who notified me.

By Senator BLACKBURN:

Q. That was in August, 1884?—A. Yes, sir.

By the CHAIRMAN:

Q. Have you that notification with you?—A. I do not think I have. He just simply gave me a copy of the letter, and a short time afterwards we were notified that we would not get a license. He also notified me that the Commissioner of Indian Affairs had sent him orders for all the traders to make a statement of what goods they had sold in the previous twelve months in the way of cash trade, credits, and such things.

Q. Did you make such a statement?—A. I did not.

Q. Go on and state what was done with reference to a renewal or cancellation of your license.—A. Well, sir; about the time my license expired a couple of gentlemen came there to our place——

Q. Who were they?—A. They were the McClung brothers.

Q. Do you know their full names?—A. Yes, sir; Hugh L. McClung, of Knoxville, Tenn., and R. M. McClung, of Terrell, Tex.

Q. You say they came to the agency.—A. Yes, sir; they came to the agency, and were around the agency several days. They staid in my store considerably, and I knew that they were looking for a place, or something of the kind, although they had not spoken to me. They came to me one evening; my brother was with me; and said they were authorized to come out there and look over the ground, for they were going to have a trading-post. I asked them if they were going to be appointed traders at that place, and they said they had a choice at either the Sac and Fox Agency, Shawneetown, or Wellston, and they were there looking over the ground to make a selection. I got to talking with the men in a business way, and one of them says to me, "If you doubt my word I can show you a letter in which I am properly authorized to come here and make those selections." And he took a letter from his pocket and read it to me, and I looked over the letter myself.

Q. Who was that letter from?—A. It was from the Indian Office, and was signed by General Upshaw, the acting Commissioner.

Q. You have not got that letter, of course?—A. No, sir; he has the letter, or he ought to have it, in his own possession; he did not give it to me.

Q. What was the purport of it?—A. It read like this: That he was going to get a license to trade in the Indian Nation and those were three good places, and for him to come and make a selection and he should have the exclusive right to trade wherever he selected.

By Senator BLACKBURN:

Q. What were the three places named?—A. Wellston, Shawneetown, and the Sac and Fox Agency.

By Senator CULLOM:

Q. And you were at the Sac and Fox Agency, were you?—A. Yes, sir. He also stated to me that there were six traders under the jurisdiction of that agent and that they were going to be reduced to three, one at each place, and he said he would rather have the Sac and Fox Agency than any of the other two, and then he began inquiring into the merits of the trade and everything of that kind.

By Senator BLACKBURN:

Q. Were there six traders at each one of those places then?—A. No, sir; there were six traders under the jurisdiction of that agent.

By the CHAIRMAN:

Q. You may proceed.—A. I saw that the men meant business, and they appeared to be very nice fellows, and at that time it commenced to look natural that we should be courteous to them, and I thought that if there was anything to be gained by it I would do it, for I was there with my goods and knew my time was out in a few days and we had to do something. So we made an arrangement for selling to them, and virtually sold to them. They were to buy my goods and buildings, and he made an arrangement for me to stay there and help them with the business, and he said that he would go to the agent and see that my time would be extended longer, so that I could keep the store open and sell goods to the Indians, and they would take charge the first of January. Well, my time was extended. But during the time those men were there, there came a letter from Bloomington, Ill., written by my sister-in-law, who was there, and she said in her letter that a man by the name of John Eddy was licensed at Sac and Fox to succeed Whistler, Pickett and Co. Mr. McClung had stated to me that he had exclusive right to the place, and I at once took the letter to him, and I said, "Here, McClung, there is a mistake in some way. You, of course, get the exclusive right at that agency, and you had better look into this matter. I saw a guard a few moments ago come in, the escort, and the Commissioner will be here this evening, and you had better not go out on the stage, but wait and see him and have the business all fixed up." He said that was lucky; that he expected to meet him in Muscogee. So after the Commissioner came there he (McClung) went and had a private talk with him.

By Senator CULLOM:

Q. In speaking of the Commissioner, you refer now to Commissioner Atkins, who was coming there?—A. Yes, sir. As I say, they had a private talk with him, and they stated to him that they had heard there had been another man licensed at that place. I will repeat the words they told me when they came back there after they saw him. Mr. McClung stepped into the store, his brother with him, and my brother was present, and he says, "We have seen the general, and the general says that Mr. John Eddy is licensed to trade here at Sac and Fox; that there is a mistake, and that he will at once, when he gets to Washington, send him either to Shawneetown or Wellston; that we have been promised this place, and are going to have it." He says, "Boys, you rest assured that everything is all straight that we tell you." I certainly supposed it was. Then that evening he came down to the store, later, and he says to me, "Now, you go on and order some more goods, and keep your stock up until we come here, and we will take everything off your hands at cost and carriage, and we will be here the first of January." He says, "I am going to go to the agent and see him, and there will be a payment here." There had been no payment then for over a year, and we had been waiting for a payment.

By Senator BLACKBURN:

Q. You mean a payment to the Indians?—A. Yes, sir; a payment to the Indians. And he says: "When there will be a payment here I will have the agent send me a telegram, so that I can be here on the ground to see the payment made, and I will take possession of the store and goods and everything, and go right along." I agreed also to send him a telegram to Knoxville, Tenn., and they went away next morning. The Commissioner also left the next morning; and after they had gone several days I received a letter from McClung (and I think I have it in

my grip down at the hotel) telling me that Hugh L. McClung had gone to Washington to see the Commissioner about whether they were going to have the place at Sac and Fox or not, and he says: "Everything will be all right, Little, just continue as you are doing." Well, I never heard anything more from them.

By the CHAIRMAN:

Q. Do you mean to say that you never heard anything more from them at all?—A. I never heard anything more from them from that time. I sent him two telegrams telling him that payments would be on hand at such a time.

Q. Do you say that you ordered more goods on the strength of their coming?—A. Yes, sir; I did.

Q. In your own name?—A. Yes, sir; and I have the parties here in town, who I ordered them from, who will swear to that.

Q. In the conversation which the McClungs had with you, did either of them speak of the intimacy which existed between their father and the Commissioner?—A. They did.

Q. What did they say?—A. They said they were old schoolmates.

Q. That their father and the Commissioner were old schoolmates?—A. Yes, sir; and they also led me to believe that they were very intimate, and that the place had been promised to them long before they got it.

Q. What is the name of the chief there?—A. His name is Keokuk.

Q. Do you know whether he saw the Commissioner at the time he was down there, with reference to a license?—A. I do.

Q. Who did he recommend?—A. He went there in my behalf and told the Commissioner that I ought to have the place; that I had staid there and traded with these Indians and trusted them when they were in almost a starving condition, and that they had had no payment for about eighteen months, and that I was carrying those Indians and furnishing them with goods, and that he thought I ought to have the place until I could get my money out of it.

Q. Do you know what the Commissioner said to him?—A. I do not. He can tell that himself when he comes here.

Q. You were saying, I think, when I interrupted you, that Mr. Eddy came there?—A. Yes, sir; Mr. Eddy came to the agency.

Q. About when was that?—A. It was about two weeks later than the time when the McClungs came there.

Q. Now go on and state what was said and done at that time.—A. Mr. Eddy came to our agency on Saturday evening. On Sunday morning about nine o'clock he came to our store. My brother was standing out on the porch, and he introduced himself and said his name was Eddy. We had heard, of course, that he was coming, and he stepped right into the store and commenced to talk about business right away and wanted to know if we had sold our business there. We told him that we had made an arrangement that way. We did not want to tell him because we did not know who he was or anything about the matter, and those people in that country generally keep their business as close to themselves as they can. He says, "I am sorry you have; I want to make some arrangement with you for a trade in this place." He says, "You have the best location in the town, and, he says, "the people who talk to me about you say that you boys have the best trade here, and," he says, "I will do one thing with you if those men have not closed up the business." I said, "I cannot make any arrangement with you, Mr. Eddy." "Well," he says, "look here; have those men paid you any money?" I says, "No, sir; they have not." "Well," he says, "sup-

pose I advance you $500 to close the bargain with me, what would you say?" I said, "I cannot do it."

Q. Did you tell him why you could not?—A. No, not until after this. He says, "I want to make some arrangement with you and I can make a better arrangement than they can. What kind of an arrangement did they make with you?" I said, "They made this kind of an arrangement with me; that they were coming here to take my stock off my hands on the 1st of January at cost and carriage, and also had hired me at $1,200 a year to take charge of their business for them, and see after their books and do their business, because Mr. Hugh L. McClung cannot be here, and R. A. McClung does not know anything about the trade and he intends to stay here, and I have promised to do that with those men and I cannot possibly do anything else." "Well," he says, "I can do a great deal better than that with you." He says, "I will put in as much money as you have goods here, and," he says "let you and your brother both stay here and run it." I said, "That is a very good thing, but I have made my arrangement with those men and they stand pretty close to the Commissioner, from what I can see, and I had better stand in with them." Well he worked around there quite a while and he says, "Look here, I am going to make some kind of an arrangement with you before I go away. I don't like these other men down here, and I would rather you would handle the business." He says, "What do you say to taking and furnishing the goods here and looking after the trade just as you have been doing it, and using my license?" He says, "What would you be willing to pay me for that?" I said, "I cannot make any such arrangement and I will not make any. I have made my arrangement with the McClungs and I think they are gentlemen, and I cannot possibly make any more arrangements until I hear from them." So he left the house then and says, "Well, I will see you later," and the next day he came down to the store, but he had not anything to say about the trade at all the next day. He staid around the agency, I think, three days, and a man named Bruner took him out to the Berry Brothers' cow range, about 20 miles from the agency, and he told Mr. Berry while he was out there that he had a license to trade at the Sac and Fox Agency.

By Senator BLACKBURN:

Q. How do you know that he told Berry so?—A. Because Mr. Berry made that statement before the agent at Sac and Fox.

Q. Did he make it to you?—A. He made it in my presence, before the agent.

Senator BLACKBURN. Well, I only call your attention to it.

By Senator CULLOM:

Q. Mr. Berry is not here, is he?—A. No, sir; I have sent after him.

By the CHAIRMAN:

Q. Will he be here?—A. I think he will be here.

The CHAIRMAN. We will let that go, then, if he is going to be here; if not, I think perhaps you would have a right to state it.

Senator BLACKBURN. It is hardly evidence, but I do not intend to insist upon my objection.

The CHAIRMAN. In this part of the country, where it is difficult to get witnesses, perhaps we shall have to be a little easy about these things. [To the witness:] Have you stated fully what he said to you about putting in his license?

The WITNESS. Yes, sir; I stated exactly what he said to me.

By Senator CULLOM:

Q. Will you please state again the proposition that he made to you?—A. Why, the proposition was like this: That he would put in as much money as I had goods and property there; that is to say, buildings. I had, I guess, over a thousand dollars' worth of improvements there. But he would put in as much money to balance it and let my brother and myself run the business.

Q. As against his license?—A. No, sir; that was his first proposition.

By the CHAIRMAN:

Q. Then you were to divide profits equally?—A. Yes, sir; and he was to stay in Bloomington and run his business there.

Q. And he was to put in money to the amount of your goods and make you equal partners?—A. Yes, sir.

Q. And that would make you equal partners?—A. Yes, sir.

Q. And take half the profits?—A. Yes, sir; he was to take half the profits.

Q. After that, what was the proposition about putting in his license?—A. He wanted to know what I would pay him for the use of the license, and I go on just as I was.

Q. Did he or not state how much he thought you ought to pay him?—A. No, sir; he did not.

Q. You did not listen to that?—A. I did not ask him a word, for I had made arrangements with the other men, and I did not want to go back on them.

By Senator CULLOM:

Q. That was a separate proposition from the one to put in money against your property and divide the profits?—A. Yes, sir.

Q. The last one was simply to let you remain there and run the business, and give him so much for his license?—A. Yes, sir.

By the CHAIRMAN:

Q. Now, when Eddy came there did you notify Mr. McClung at all, or either of them?—A. Yes, sir; I did.

Q. Which one did you notify?—A. I notified R. A. and H. L. both, one of Tennessee and the other of Terrell, Tex.

Q. Did you hear nothing from them?—A. No, sir; I heard nothing from them.

Q. Your license was expiring about that time?—A. Yes, sir; it was expiring and had expired, or was close to it.

Q. Was it extended after that?—A. It was extended; yes, sir.

Q. To what time?—A. To the 1st of January.

Q. That being the time when they had agreed to take possession?—A. Yes, sir.

Q. Did you keep on trading until the 1st of January?—A. Yes, sir; I kept on trading right along until the 1st of January.

Q. What did you do then?—A. Well, on the 1st of January there was no payment and my store was closed.

Q. Who closed it?—A. I closed it on the orders that I had no more right to run the business without a license or a permit, and it was risky for me to have anything to do with the Government.

Q. You closed it yourself?—A. Yes, sir; of course I closed it myself.

Q. Because your license had expired?—A. Yes, sir; I had to close it; I did not have any right to trade.

Q. You were saying something about a payment being delayed.—A. The payment was delayed until after that. There had not been any payment then made for eighteen months up to that time.

Q. And you had out how much?—A. I think I had out a little over $15,000.

Q. When did the payment come?—A. The payment came on the 5th of January, five days after my store closed. I collected $2,500; it was all the money I collected. I distributed that money among my creditors, and kept $500, and went to Washington with it to see about trying to get my license renewed.

Q. Do you think the fact that your store was closed had anything to do with the amount of money which you collected?—A. It certainly had, for I never failed in collecting before, and the Indians would come to me and say, "Mr. Eddy is here." He had made an arrangement to go in the Whistler, Pickett & Co. store and was there. Mr. Eddy would talk to them and the other parties would tell them, "Here is Little out of trade, and he has got to go away, and you had better pay us, and we will give you credit right along." And Indians would come and say, "We cannot pay you; we can get more credit over there."

Q. You have no doubt that the closing of your establishment was the only reason why you got only $2,500 out of the $15,000 due you?—A. I have not, certainly.

Q. Did you open your store at the time of the payment for the purpose of making collections?—A. I opened my store to collect; I went to the agent after he came back with the money——

Q. What is the agent's name?—A. Moses Neal.

Q. Is he there still?—A. Yes, sir; I asked him if I could not open the store, throw the doors open, to do collecting; he said, yes; that it was an outrage the way I had been treated, and he thought I ought to do it; so I opened the store and collected that day, and immediately after the payment I closed it.

Q. You say that Eddy at this time had made some arrangement with Whistler, Pickett & Co.?—A. Yes, sir; he had; he was down at that store at the time.

Q. Now, you took five $500 and went to Washington?—A. Yes, sir.

Q. Go on and state what occurred there.—A. I went to the Department; I first went to see General Upshaw, and he flew all to pieces when I went in there and told him what kind of a fix I was in, and didn't treat me like a man ought to at all, and I went then to the Commissioner of Indian Affairs.

Q. What was General Upshaw's position at that time?—A. He was then Acting Commissioner, I guess, or held some position in the office.

Q. The Commissioner was there, was he not?—A. Yes, sir.

Q. Then General Upshaw was not Acting Commissioner, was he?—A. No, I expect he was not Acting Commissioner, but you might think he was from the way he cut around. So I went to General Atkins then, and found the old gentleman very pleasant, and told him what my trouble was. He said that he could not do anything for me until he would write to the McClung Brothers and see if the statement I made to him was true, and that he would write also to the agent. I told him I would be very glad if he would do it, for I did not want him to take my word for it at all. So he wrote——

Q. Before you come to that, let me ask you this: Did he say what he would do when he got an answer from there?—A. No, sir; he did not say what he would do. He then sent a telegram to the McClungs telling them to answer him by letter.

By Senator BLACKBURN:

Q. Who did he send that telegram to?—A. He sent the telegram to Hugh L. McClung, of Knoxville, Tenn. He sent the telegram to the agent, and in about ten days there came a letter back from Hugh L. McClung corroborating the statement I made to him.

By the CHAIRMAN:

Q. Did you see the letter?—A. No, sir; I did not see the letter myself.

By Senator CULLOM:

Q. How do you know then that he corroborated your statement?—A. Because I think I have a copy of the letter down at the hotel, in my valise, that he sent to the Commissioner.

By the CHAIRMAN:

Q. How did you get that copy?—A. I got it from McClung. When I went into the office about ten days afterwards, the letter had come there a day or two before, and I had E. John Ellis, of Washington, with me, who knows all about the affair and how I was treated there and how I got along. He went with me, and just as I came into the door General Atkins got up and said, "Little, I have a letter from the agent, a very nice letter, about you, and also one from the McClungs, and I see you have been misled by the McClungs." He says, "You shall have your license." So I went then right down to General Upshaw and told him, and he said that he would issue the license, and went to looking over a bond that was dated back some time, and he said I would have to make a new bond. I told him I could do that. So I went right up to the Commissioner and told him I would have to make a new bond, and he says, "You go right home, Little, and make a new bond and carry yourself like a man, and everything will be all right; and," he says to me, "look here," he says, "I just want to ask you a few questions." He says, "What about this man Eddy; is he down at Sac and Fox?" Said I, "No sir; he is not." He says, "Well he has got a license to trade there." Said I, "I understand he has." He says, "Who is running the business there?" I said, "The old parties, Whistler, Pickett & Co." He says, "Isn't Eddy there?" I replied, "No, sir; he is not." Said he, "Where is he?" "In Bloomington, Ill.," I says. He says, "Do you know that Whistler, Pickett & Co. are running the business?" I said, "I think they were when I left. The old employés are still in the store and there was no change made at all" "Well," he says, "if Eddy is not there attending to his business I will make him go there." He says, "Will you please put it in writing what you know about it." I said I would. So I went right over to the office with Mr. Ellis and I just told him what I knew about it, and he wrote it down, and we went in and gave the statement to the Commissioner.

By Senator CULLOM:

Q. Did you sign that statement?—A. Yes, sir; I signed it. Then I came on home and made my bonds, and after I had been home a short time—I don't remember whether it was the agent who received the letter or myself—a letter came telling me that I should at once close my business and leave the Territory, for I had made a false statement; that Eddy was on the ground, and I had told a lie about it, and for that reason I would have to get out.

By the CHAIRMAN:

Q. Was Eddy there at that time?—A. No, sir. He was not, and he did not come there until six months afterwards.

Q. Your store had been closed; how did it get open?—A. The commissioner, when he granted my license, telegraphed to the agent that he should allow me to go on with trade, and I opened up the store again.

By Senator CULLOM:

Q. That was after coming back from Washington?—A. Yes, sir. But it was useless then to open it, as the Indians had spent all their money, and I had to give more credit to get trade.

By the CHAIRMAN:

Q. How long did you keep the store open then?—A. I kept the store open then until July 15.

Q. When were you in Washington?—A. I think I left Washington on the 8th of February.

Q. Let me see if I get it right. The Commissioner told you you were to have a license?—A. Yes, sir.

Q. And you were to go home and make bond?—A. Yes, sir.

Q. And that he would telegraph to have your store opened?—A. Yes, sir.

Q. And he did so?—A. Yes, sir.

Q. And you went home and sent on your bond, and kept open your store?—A. Yes, sir. I kept the store open until July, but the trouble there was that the parties down there knew I had not a license, and they treated me of course in that way.

Q. I do not care about that particularly, but I was getting at the fact how your store came to be open. How came it to be closed?—A. It was closed by order of the Commissioner, and an imperative order was given for me to leave the Territory at once. Those orders were signed by General Upshaw as Acting Commissioner.

Q. Do you say that you received those orders direct?—A. They were sent to the agent, sent to him with imperative instructions to put me out of the Territory at once, and that if he did not somebody would be sent there who could do it.

Q. You were saying something about a letter having been sent, in which it was said that you would not be permitted to trade there because you had made a false statement in respect to Mr. Eddy, and said that he was not there when he was there?—A. Yes, sir.

Q. Is that the one you refer to, the order?—A. No, sir; it was afterwards that the letters came. The letter came to me after I came home, telling me that I would not get a license because I had made false statements.

Q. Who sent that letter to you?—A. A letter was sent to the agent there by the Commissioner of Indian Affairs, and one was sent to me, and I sent the letter right back to Mr. Ellis and asked him to look after the matter for me, and one came to me saying I had made false statements, and I took the letter and showed it to the agent.

Q. At the time your store was closed had Eddy got there, personally, himself?—A. No, sir.

Q. I mean in July when orders had been sent that you should leave the Territory?—A. He came there two days before the payment which was made there about the 15th of July, a small payment.

By Senator BLACKBURN:

Q. That was in 1885?—A. No, sir; it was in 1886.

By the CHAIRMAN:

Q. But this is the question: When the orders finally came that you should close your store and remove from the Territory, was Mr. Eddy there in person then, at Whistler, Pickett & Co's.?

The WITNESS. Do you mean when the first orders came?

The CHAIRMAN. No; the last one.

A. No, sir; he was not.

Q. He had not got there then?—A. No, sir.

By Senator BLACKBURN:

Q. That was in July, 1886?—A. Yes, sir.

By the CHAIRMAN:

Q. Had he been there at all from the time you went on to Washington until you were directed to leave the Territory?—A. He had not been there until about two days before the 15th of July. I think he came there, if I am not mistaken, on the 12th of July.

Q. And the orders had previously come on that you were to leave the Territory?—A. Yes, sir; I had got a half a dozen orders to leave.

Q. But the imperative orders, as you call them, had they come?—A. Yes, sir; the imperative orders had come.

Q. When did you, in fact, leave?—A. I left, in fact, I think about the middle of October, but my store was closed after the 15th of July; it was locked up.

By Senator CULLOM:

Q. Your goods were in it?—A. Yes, sir.

By Senator BLACKBURN:

Q. Who closed it then?—A. It was closed by the agent.

By the CHAIRMAN:

Q. You think that the letter which you received from Mr. Upshaw you sent to Mr. Ellis in Washington?—A. Yes, sir, I did; I sent it to him. I wrote to Mr. Ellis and told him the kind of letter I had received, and he said to please send that letter to him and he would refer it to the Commissioner.

Q. Did Mr. Upshaw in that letter give any reason, or prove the fact, showing that you had told what was not true about Eddy?—A. Yes, sir; he said I had injured the parties——

Q. No; do you remember his mentioning Mr. Oberly in connection with it in any way?—A. Yes, sir; he said that Mr. Oberly was receiving letters from Mr. Eddy, and that he was on the ground.

Q. Was there any investigation after that as to that fact, and if so, how did it come about?—A. Yes, sir; I urged an investigation on every point I could, and kept urging the agent to make an investigation as to whether I had told a lie about the matter or not, and finally got an investigation. I think Senator Cockrell brought that investigation around. I wrote to a personal friend of Senator Cockrell in Missouri, Mr. James Nave, of the firm of McCord & Nave, and asked him to get a hearing and have it investigated.

Q. Who was that investigation made by?—A. It was made by Agent Neal at the agency.

Q. Do you know whether he made a report in writing to the Department?—A. Yes, sir; I think he did; I am sure he did.

Q. He will be here, will he not?—A. Yes, sir; he will be here.

Q. Did you take any affidavits there to substantiate your statement that Eddy had not been there?—A. I took Mr. Berry's affidavit myself, and I took one or two others. I took the affidavit of a young man who had been working for me, a half-breed Indian, and my brother's affidavit, and I think I took the affidavit of the interpreter and of Chief Keokuk.

Q. To what effect?—A. To the effect that I had not stated any lies about Eddy's not being there, and that he had not been there.

Q. What did you do with those affidavits?—A. I gave them to the agent and asked him to forward them with the balance of the papers.

Q. Do you know whether he did forward them or not?—A. I do not. I had also forwarded a copy of them to Mr. Ellis, so that I knew that they would get there.

Q. Did you give any instructions to Mr. Ellis about it?—A. I did.

Q. What did you tell him?—A. I told him to go to the Office of Indian Affairs and see if that investigation was all right or not.

Q. But did you give him any instructions as to what he should do with the affidavits?—A. I told him to take them before the Commissioner and show them to him.

Q. Have you any letter from him showing whether he did so or not?—A. I have; but it is in my valise down at the hotel.

By Senator CULLOM:

Q. Do you say you have a letter from the Commissioner?—A. No, sir; it was from Mr. Ellis.

Senator BLACKBURN. We would like that letter.

By the CHAIRMAN:

Q. Were you summoned or were you telegraphed for?—A. Mr. Paul, the clerk of the committee, had me sent for.

Q. By telegraph?—A. Yes, sir.

Q. Do you know whether Mr. Neal sent those papers to the Commissioner?—A. I could not say as to that; he can answer for himself; he will be here.

Q. Did you get any subsequent letter from Mr. Upshaw while this matter was pending, while the investigation was goiirg on? Did you have more than one letter from Mr. Upshaw?—A. I think I got two letters from General Upshaw.

Q. Have you them with you?—A. No, sir; Mr. Ellis has all my letters that came from the Department. He was acting as my attorney and I sent them to him.

Q. When the next payment was made did you collect anything?—A. Yes, sir; I did.

Q. When was that; was it in 1886?—A. Yes, sir; it was in July, 1886. I collected $3,000.

By Senator BLACKBURN:

Q. When was it that you collected the $2,500?—A. That was on the January before.

By the CHAIRMAN:

Q. And on the next payment you collected $3,300?—A. Yes, sir; I did.

Q. Was your store closed then?—A. My store was closed the next day after the payment.

By Senator CULLOM:

Q. That made $5,800 altogether?—A. Yes, sir.

By the CHAIRMAN:

Q. In the mean time you had been trusting them?—A. Yes, sir; I had been crediting them in order to get more, and didn't reduce the pile very much. In that country you have to humor the Indians a good deal to get what they do owe you.

Q How were the final orders that you should leave the Territory received?—A. The agent received them and issued them to me.

Q. From whom did he receive them, do you remember?—A. They were from the Department. I do not know whether the last one was signed by Acting Commissioner Upshaw or by the Commissioner himself. It was a telegram, as I understand.

Q. What did you tell the agent then?—A. I told the agent that I had given every dollar I had in the world to my creditors and settled up with them at 33½ cents on the dollar, and that I did not have any money to leave the country with.

Q. Had you any money?—A. No, sir; I did not have any money at the time. I did not have over $50 to my name. I had given everything I had to my creditors.

Q. What amount of goods do you suppose you had there at that time?—A. I had at that time about $2,500 worth of goods.

Q. And how much in the way of debts was then due?—A. There was due me then a little over $13,000.

By Senator CULLOM:

Q. You say you settled up with your creditors. Do you mean by that that you got a clear receipt for all that you owed?—A. No, sir; I got a receipt in this way: I settled for 33½ cents on the dollar, and they gave me a receipt that if I ever collected any more of that I was to divide with them *pro rata*, which I was willing to do. I gave them all I had, and that was all I could do.

By the CHAIRMAN:

Q. When you told the agent that you had no money to go away with, what was done then?—A. They telegraphed or wrote to him and told him to take his Government teams and put me out.

Q. Who did?—A. I do not know which one sent that order to him. He can tell you when he comes here. He had but one Government team on the agency and that was making hay, and he wrote or telegraphed to them that fact, and the next telegram that came placed him in a pretty serious position, and he came and told me that they had made it imperative, and that I would have to do something. I told him, said I: "Neal, I don't want to make you any trouble at all; you have been a good friend of mine right straight through, and you have seen how this thing has worked; I will try and do the best I can, and sell to somebody and leave." So I sold to Keokuk, the chief there, and took his note for what I had there at about half price for what it was worth.

Q. You could sell to a chief and he could trade?—A. Yes, sir; there was nobody else that I could sell to down there that wanted it.

Q. How much did you sell to him for; how much in amount?—A. I sold to him for $1,500.

Q. Did you take his note for the whole of it?—A. No, sir.

Q. How much cash did you receive?—A. I took a note for the whole of it in the first place, and then afterwards, in the fall, there was a payment made, and I went down there and he gave me $500 cash later.

Q. Has the rest of the note been paid?—A. No, sir; I still have the note.

By Senator CULLOM:

Q. Does that include the sale of your houses?—A. Yes, sir; everything I owned.

Q. Your goods, wares, and everything else?—A. Yes, sir; I had considerably over $1,200 there in property, such as buildings.

Q. So you got out?—A. Yes, sir; I got out with $500.

By the CHAIRMAN:

Q. How much had you saved up from your previous occupation at the time you became a trader; how much money had you then, I mean when you first got a license?—A. I had $1,750 that I had made at Pawnee.

Q. By herding cattle?—A. Yes, sir; by herding cattle; and from that I was put to herding Government stock at $40 a month, and the agent there promoted me from that to the position of commissary clerk, and I was getting $800 a year as commissary clerk. I staid there as commissary clerk over two years.

Q. So that when you were first licensed you had saved up money out of your earnings and had $1,700?—A. Yes, sir.

Q. And when you got out you received $500?—A. Yes, sir; I got $500.

Q. And your creditors did not get their pay, all of them?—A. No, sir; and I had to make every dollar of it by hard licks, too.

Q. What are you doing now?—A. I am in the real estate business in Richfield, Kans.

Q. From the time when you made your arrangements to sell out to the McClungs until your store was closed the second time, the middle of July, 1886, was Mr. Eddy ever at the agency engaged in trade?—A. He never was.

Q. What became of Whistler, Pickett & Co.?—A. Whistler, Pickett & Co. were still in the trade as they had been before.

Q. Are they now in the trade?—A. No, sir; not now.

Q. They were in the trade, as they had been before, up to the time your store was closed?—A. Yes, sir; about in July.

Q. What then became of Whistler, Pickett & Co.?—A. Why, Mr. Eddy came there and represented that he——

Q. I do not want to inquire as to what he represented to them, but what was the fact about it; did they go away?—A. No, sir; they did not at that time. They turned all their goods over to W. B. Shaw who is now trading in the old Gibbs building.

Q. Did Eddy finally take the store at which they were and go to trading there himself?—A. No, sir; he did not.

Q. Did he ever go to trading in that agency in any way?—A. No, sir; he never handled any goods at all; he never was in the store to do any business at all. He simply would come there and stay two or three days on the reservation and go away. I think he stayed there about four or five days at the last time when my store was closed and the goods were transferred up to W. B. Shaw's store, and Eddy went away from there and has not been there since that I know of.

Q. And Whistler, Pickett & Co. did not trade after about that time?—A. No, sir.

By Senator CULLOM:

Q. Shaw is there now, is he?—A. He is, so far as I know. I have not been there myself lately.

By the CHAIRMAN:

Q. What was the date of your actually leaving there, selling to Keokuk and coming away?—A. The 1st of October was when I sold to him.

By Senator CULLOM:

Q. Do you mean in 1886?—A. Yes, sir.

By the CHAIRMAN:

Q. Up to that time Eddy had not been there in trade?—A. No, sir.

By Senator BLACKBURN:

Q. You say that Eddy never was engaged in trade on that agency up to the time you left there in October, 1886?—A. No, sir; he was not.

Q. Did Whistler, Pickett & Co. sell out their stock to Shaw?—A. I do not know.

Q. You spoke of its having been turned over?—A. Yes, sir; it was turned over, but whether they sold it or not I could not tell you.

Q. Did they stay there or leave?—A. Mr. Whistler has his home at that place.

Q. When was that transfer made to Shaw?—A. I think it was along about the 20th of July.

Q. In 1886?—A. Yes, sir.

Q. That was directly after the payment was made of annuities?—A. Yes, sir; directly afterwards.

Q. Did Whistler, Pickett, or any of that firm afterwards do business there as traders?—A. They did.

Q. With Shaw?—A. Yes, sir; they were in his employ.

Q. Which one?—A. Leon Whistler, the foreman of Whistler, Pickett & Co.'s store also worked for Shaw.

Q. Were there two Whistlers?—A. Yes, sir.

Q. Father and son?—A. No, sir; father and nephew.

Q. And they both did business for Shaw after the transfer?—A. The old gentleman never did any work himself in the store. Of course it went in his name, but Leon, his nephew, generally managed his store for him. Leon was hired for W. B. Shaw.

Q. Was he there when you left in October?—A. No, sir; he was not.

Q. How long did any of the firm of Whistler, Pickett & Co. remain with Shaw?—A. Until the agent gave them notice that they had to leave.

Q. When was that?—A. That was about the middle of August, I think. They had some trouble, and the agent, I believe, told him that he could not clerk any more for him.

Q. He told who?—A. He told Whistler that he could not clerk for Shaw any more. They had some difficulty; I do not know what it was, but there was some trouble.

Q. That was in August, 1886?—A. Yes, sir; in August, 1886.

Q. Then there has been no member of that firm of Whistler, Pickett & Co. with Shaw since August, 1886?—A. I do not know; I have not been there since October, 1886.

Q. Up to that time then?—A. Yes, sir.

Q. You say that you kept out $500 of the $2,500 that you collected?—A. Yes, sir.

Q. That was in January, was it?—A. Yes, sir; it was in January.

Q. Of 1886?—A. Yes, sir.

Q. And then in July you collected $3,300?—A. Yes, sir.

Q. What did you do with that $3,300?—A. If you will go to those gentlemen——

Q. No; tell me; I am asking you.—A. I paid it *pro rata* to my creditors.

Q. All of it?—A. Yes, sir; every dollar of it.

Q. Then you sold your building and stock of goods altogether for $1,500 to the Indian Chief Keokuk, and took his note?—A. Yes, sir.

Q. There was no cash paid by him?—A. Not until about two months afterwards, when he gave me $500.

By Senator CULLOM:

Q. Was that to be credited on the note?—A. It was a separate note that he gave me. He was going to sell some stock, and he said when he sold that stock he would pay me $500.

By Senator BLACKBURN:

Q. I thought he gave you his note for $1,500?—A. He gave me two notes for $1,500, one at thirty and one at sixty days. One note was for $1,000 and the other for $500.

Q. And the $500 note he paid?—A. Yes, sir.

Q. And you kept that?—A. I kept that with the exception of what it took to move my furniture.

Q. You have just stated that you went in with $1,700 and came out with $500. My understanding is that you kept $500 out of the $2,500, and then you kept $500 that Keokuk paid you, and that was $1,000?—A. Well, hold on. What does it cost a man to go to Washington?

Q. I do not propose to go into that. I only wanted to see whether it was $500 or $1,000 that you came out with. Where is that note for $1,000 given by Keokuk that remains unpaid?—A. It is at my home in Richfield.

Q. Has any payment been made on it?—A. No, sir.

Q. You had about $13,000 due you from the Indians after you got that?—A. Yes, sir.

Q. Did you ever collect any of that $13,000?—A. Yes, sir; I have. I got $600 and I paid a part to Searing & Mead and part to Ware & Baker.

Q. How much did you pay to each of those firms?—A. I paid to Searing & Mead, I think, $228, and to Ware & Baker about $40, and I owed my brother some money that I had borrowed from him and I paid him two hundred and odd dollars, and the balance I took with me right out to where I am.

Q. How much did you take with you?

The WITNESS. To the place where I am living?

Senator BLACKBURN. Yes.

A. I took $75 or $80.

Q. And you paid your brother how much?—A. I think I paid him two hundred and fifty and some odd dollars.

Q. That would make between four and five hundred dollars. So that you had $1,000 before and between four and five hundred dollars besides. You kept out of the business then between fourteen and fifteen hundred dollars?—A. I do not understand how you mean.

Q. You kept $500 out of the $2,500 of collections?—A. Yes, sir.

Q. You got the $500 that Keokuk paid you, and paid your brother $250, and $175 or $180 you carried out to Richfield, where you now are?—A. Yes, sir.

Senator CULLOM. You did not keep the $250 that you paid your brother; that was paying a debt as much as the other.

Q. When you made that settlement with your creditors by which you paid them 33½ cents on a dollar and agreed that you would pro rate whatever you collected afterwards among them, was your brother included in that list of creditors who were to get the benefit of future collections?—A. No, sir; he was not.

Q. How came you to pay him $250 while you still owed other creditors?—A. That was a private account.

Q. Then you did not keep your contract with your creditors?—A. Yes, sir; I did, to the letter.

Q. Did you not promise that whatever you collected out of debts due you would pay over to them *pro rata*?—A. Yes, sir; but he was not at that time one of my creditors.

Q. Those other people were?—A. Yes, sir.

Q. And you promised them that everything you collected should be divided *pro rata*?—A. Hold on. I had to borrow that money to go down and get that money that the Indians owed me. I had to borrow it from my brother to pay my expenses.

Q. He already had been your partner?—A. No, sir; he had not been my partner. He never put in a dollar.

Q. Which brother was it who was your partner?—A. It was D. T. Little.

Q. Which one did you pay this money to?—A. To D. T.

Q. The same man who had been your partner?—A. He had not been my partner.

Q. Was not the second license taken out in his name?—A. Yes, sir.

Q. That is the one you paid it to?—A. Yes, sir.

Q. How much money did you have on hand when you made that settlement of 33½ cents on the dollar with your creditors?—A. I had $3,300.

Q. Did you not make your settlement with them when you collected that $2,500 on the January payment of annuities?—A. No, sir; that $2,500 I distributed among my creditors at that time.

Q. But when you made the settlement for 33½ cents on the dollar, that was in July when you collected the $3,300?—A. Yes, sir.

Q. How much did you owe at that time?—A. Considerably over $6,000.

Q. Including what you paid at that time?—A. Including what I paid in January—over and above what I paid in January.

Q. After you had made payments to your creditors on that January annuity, when you come to the July annuity and collected $3,300, how much did you owe then?

The WITNESS. Do you mean afterwards?

Senator BLACKBURN. No; before you paid them how much did you owe them?—A. Before I paid them I owed them close on to $8,000, a little over.

Q. Now you paid them $3,300?—A. Yes, sir.

Q. That left you owing them about $5,000?—A. Yes, sir; it left me owing them considerable; I never figured it.

Q. I am talking in round numbers—nearly $5,000; and you had $13,000 due you?—A. Yes, sir; I did have.

Q. Well, if you had been able to collect your $13,000 it would not have taken half that amount to pay off all the debts you owed?—A. It would have taken over $8,000 to pay what debts I owed.

Q. Not after paying the $3,300?—A. No; but the $8,000 I was owing at that time, and I had to pay them in that way to get a settlement.

Q. You paid them $3,300, and that brought it down to less than $5,000?—A. Yes, sir.

Q. How much do you owe your creditors now?—A. I do not know what the interest will be on the money.

Q. I am not talking about interest, but about the principal?—A. I am owing over $6,000.

Q. If you only owed $8,000 in July, 1886, and paid $3,300, leaving out the interest, how do you manage to owe $6,000 now?—A. Many would add the interest and would not consider it 33½ per cent.

Q. I am not asking about the interest.—A. But they do.

Q. But I am asking you about the principal of your debt. Have you collected any money on these Indian debts of yours since July, 1886?—A. I collected $600.

Q. That is the $600 you have accounted for?—A. Yes, sir.

Q. Is that all you have collected?—A. Yes, sir; the balance is owing yet.

Q. Was it the full-bloods or the half-breeds that owed you the money, as a rule?—A It was kind of mixed up; a little of each.

Q. It is a good deal, taken altogether; is there any prospect of your ever collecting it now?—A. I do not know; it is pretty hard for a man to collect after he is out of business and has closed up.

Q. What chance have you to get any part of that money now?—A. I do not know.

Q. They have no property that you can make responsible for it, have they?—A. No, sir.

Q. Was there any chance, except that you should look to the annuity made semi-annually?—A. There was no chance for me to get it only to stay there and collect it, and I was not permitted to do so.

Q. So that you have practically abandoned that debt?—A. No, sir; I have not.

Q. You think you will get it?—A. I will take every cent.

Q. Do you think you will get it?—A. I do not know; I cannot tell.

Q. Have you made any effort towards its collection since July last?—A. Only the $600 that I told you I got in the fall.

Q. Has there been any annuity payment made to those Indians since you collected that $600?—A. I do not think there has, that I know of.

By Senator CULLOM:

Q. How did you get that $600?—A. I went down there into the Territory.

Q. Did you collect it yourself or through some other person?—A. I collected it myself down there.

By Senator BLACKBURN:

Q. Did you make application to the Commissioner's office for permission to go down there in person to collect that debt?—A. I did not. I do not remember making any application. There were some parties here in this town that made application for me. I knew it was useless for me to say anything, the way I had been treated.

Q. Was the permission granted you by the Commissioner of Indian Affairs to go down and stay and collect your debts?—A. Yes, sir; it was to be twenty days at the agency to collect; twenty days is what I was allowed to be there to collect.

Q. Was it not twenty days after each payment of annuities?—A. Yes, sir; it was twenty days, I guess, afterwards.

Q. Does that order run to-day allowing you to go there to collect this debt twenty days after each payment; has it any force now; can

you go there now?—A. It was for two payments after I left there. As I understand there has been a small payment made to them.

Q. That is what I want to get at. Have you the right to go there now, under the order of the Commissioner of Indian Affairs, and remain there twenty days after each payment of annuities to the Indians for the purpose of collecting your debts?—A. I have; but there has not been but one payment made.

Q. Was that order limited to two payments?—A. Yes, sir; it was.

Q. Have you a copy of that order?—A. I think I have.

Q. Where is it?—A. I believe I have a copy of it here. [The witness produced the paper called for.] I believe that says at the time of the two next payments.

Q. Who is Mr. H. Dingman, of Washington City?—A. I do not know.

Q. Did you ever employ such an attorney there?—A. No, sir; I never did. I never had but one.

Q. Where did you get this letter?—A. That letter was forwarded to me from this city by Searing & Mead.

Q. Who are they?—A. Searing & Mead are merchants here.

Q. How came they to make an application for you?—A. I was owing them.

Q. You were in debt to them and they made application for you to be permitted to go down there?—A. Yes, sir; they did.

Senator BLACKBURN. I will submit this letter.

The following is the letter referred to:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., October 26, 1886.

H. DINGMAN, Esq., *City:*

SIR: In compliance with request contained in the communication from Searing & Mead, filed by you on the 25th instant, the agent at the Sac and Fox Agency has been advised to allow W. R. Little, an ex-Indian trader, to come upon the reservation at the time of the two next payments. He will be allowed to remain 20 days upon the reservation at each visit, in order to collect debts alleged to be due him by the Indians.

Very respectfully,

A. B. UPSHAW,
Acting Commissioner.

By Senator BLACKBURN:

Q. You say that Mr. Eddy came to you and first proposed to go into business with you, his proposition being that he should put in as much money as you had invested in your buildings and stock of goods, and then go on to do business with you as equal partners?—A. That is what he did.

Q. And that you declined, as I understood you to say, because of the agreement that you had entered into with the McClung Brothers?—A. Yes, sir.

Q. Now, was it in that same conversation at that time, or at a subsequent time, that Eddy proposed to let you have the use of his license?—A. It was at that time, twenty minutes afterwards, about.

Q. In the same conversation?—A. Yes, sir.

Q. That conversation occurred in your store?—A. Yes, sir; it did.

Q. Who was present?—A. My brother was present.

Q. Anybody else?—A. I do not think there was. It was on Sunday morning and we had the store closed.

Q. That was the first time you saw Eddy I think you said?—A. Yes, sir.

Q. You said that he remained there about three days?—A. Yes; sir.

Q. And then went out to Berry's Range?—A. Yes, sir.

Q. Did he ever renew the propositon to you after that conversation?—A. He never did, because I would not accept it at that time.

Q. He did not talk business with you any more?—A. No, sir.

Q. What did you understand by that second proposition of his as to the using of his license?—A. I understood like this: That I would pay him a certain amount of money (he did not say how much he wanted) for the use of his license, and he would let the store run in his name, and, of course, the store would be known as John Eddy's store there at the agency, and we would be using his license, and we would take the profit, whatever it would be, and pay him so much for the use of his license. That is the way I think he meant.

Q. When was that?—A. That was in October, I think. He was there about two weeks after the McClung Brothers were there.

Q. That would be October, 1885?—A. Yes, sir.

Q. Then your license was extended to January?—A. Yes, sir; to January 1.

Q. And then it was that you went on to Washington?—A. Yes, sir.

Q. And had an interview, or may be more than one interview, with General Upshaw and General Atkins?—A. I think I had two interviews with General Upshaw and several with the Commissioner.

Q. Mr. Ellis was with you at one of those interviews?—A. He was with me every time I went to the Commissioner.

Q. But not in your interviews with General Upshaw?—A. No, sir; he was not.

Q. Did you at either one of those interviews, either with Commissioner Atkins or General Upshaw, tell them of the proposition that Mr. Eddy had made to you, to sell to you or rent to you the use of his license?—A. No, sir; I did not.

Q. Why did you not tell them?—A. Because I did not want to have trouble on my hands. I was after my own license and thought the least I could stir matters up the better.

Q. Did you not think it was a good thing to let them know that a man who had been licensed there was hawking his license around trying to sell it?—A. I thought just like this: That if I could get any thanks for it it would be all right, but that I might put my foot in it by saying anything about it.

Q. Did you think the Commissioner or the Assistant Commissioner would undertake to justify such conduct on the part of Mr. Eddy?—A. I did not know anything about that; they were strangers to me.

Q. Did you tell anybody about this proposition of Mr. Eddy's to you, to rent out his license, or give you the use of it for so much money?

The WITNESS. Do you mean while I was in Washington?

Senator BLACKBURN. Yes, or at any other time? Did you tell anybody while you were in Washington; did you tell your attorney, Mr. Ellis, about it?—A. I do not remember whether I told Mr. Ellis or not; I told him a good deal.

Q. You do not remember that you told him that?—A. I do not remember.

Q. Do you remember having told anybody about it in Washington?—A. I did tell one man.

Q. Who was he?—A. His name is Anthony Navarro, a Pottawatomie man looking after Pottawatomie affairs in Washington.

Q. How came you to tell him about it?—A. Because he is an intimate friend of mine.

Q. But you do not remember to have told your lawyer about it?—A. I do not remember whether I did or not.

Q. You know you did not tell the Commissioner or the Assistant Commissioner about it?—A. No, sir; I do not think I did.

Q. Between the time it occurred, in October, 1885, and January, 1886, when you went to Washington, did you tell anybody about it down here at the agency?—A. Yes; I think I told the agent about it.

Q. Who was the agent at that time?—A. Moses Neal.

Q. Where is he?—A. At the agency.

Q. Are you positive you told him that this man had made this proposition to you?—A. I think I am.

Q. You are pretty positive that you told Neal about it?—A. Yes, sir; I am.

Q. What did he say about it?—A. I do not remember what he did say about it, but I think the general impression was that that was what he had done with Whistler, Pickett & Co. all the way through.

Q. But you do not remember what he told you when you communicated this proposition to him?—A. No, sir; I do not.

Q. Had there been any charges filed with the Commissioner of Indian Affairs against you as a trader?—A. I do not think there had. There were not any when I was there at the office.

Q. Had there been any filed prior to that time, do you know?—A. No, sir. Mr. Ellis asked the Commissioner about it.

Q. What did he say?—A. He said there were none in the office against me.

Q. When you had that interview which you have described with Commissioner Atkins, in which he told you that you should be relicensed, did you not go from his office to General Upshaw's office?—A. I think I did.

Q. I think you so stated, that you went there to get your license.—A. Yes, sir.

Q. Did not General Upshaw tell the clerk to issue that license to you then?—A. He did, but he said I would have to have a new bond.

Q. Then was it not found there was no bond there?—A. It was found that my brother had made a bond.

Q. But you had not?—A. No, sir; I had not.

Q. So that your license would have been issued then if it had not been for the fact that your own bond was not there?—A. Yes, sir; I expect that is true.

Q. Did not the clerk, under General Upshaw's direction, start to make out that license when that fact was found out?—A. I believe Mr. Osborne did; yes, sir. I sent the bond here to this town to be filled out. It was not properly executed, and my name was not on it.

Senator BLACKBURN. I want to file in evidence a letter from the Commissioner of Indian Affairs, which I have at the hotel, and which I will produce this afternoon, assigning to Mr. Little the reasons why he did not relicense him.

The CHAIRMAN. You mean the letter which was sent by the office to him?

Senator BLACKBURN. Yes; in that correspondence.

Senator CULLOM. If there is anything disclosed in it which has not been gone into during the examination, it would be only fair to Mr. Little to have him re-examined on the subject.

Senator BLACKBURN. The correspondence is here, and the better way will be to file it all. The chairman has asked Mr. Little why it was that a license was not reissued to him, and that correspondence has been referred to by the witness; I have it, and I expect we had better file it all.

Senator CULLOM. Very well; when that is seen we may want to ask him some questions in reference to it.

TESTIMONY OF JOHN L. WOY.

JOHN L. WOY, having been duly sworn, was interrogated as follows:

By the CHAIRMAN:

Question. Please state your full name.—Answer. John L. Woy.

Q. Of what place are you a native?—A. Of Sparta, Monroe County, Wisconsin.

Q. You have been an Indian trader, I believe?—A. Yes, sir; I have been.

Q. At what place?—A. At Darlington, Indian Territory.

Q. For how long a time?—A. I was licensed May 8, 1883.

Q. Were you alone in business or were you in partnership with some one?—A. I had a partner, Mr. John T. Hemphill, of Sparta, Wis. The firm-name was Hemphill & Woy.

Q. Where is Darlington?—A. It is centrally located in the Indian Territory. It is on the east border of the Cheyenne and Arapaho Reservation, bordering on what is termed the Oklahoma country, on the north of the Canadian River.

Q. At the time you went there, what was the nearest point from which you could ship your supplies?—A. Caldwell, Kans.

Q. How far was that?—A. One hundred and twelve miles.

Q. What were the means of communication?—A. We had a daily stage for the mails and passengers, and ox and mule teams for freighting. Our freighting teams were oxen.

Q. When were your goods removed from the Territory?—A. They were removed in March, 1886.

Q. What were the means of communication then?—A. They were the same.

Q. There were no railroad communications through the Territory?—A. No, sir.

Q. In what business had you been engaged previous to your being licensed as an Indian trader?—A. I was raised upon a farm in Ohio. When I was twenty-five years of age I went to Iowa and engaged somewhat in the produce business, in the buying and selling of grain and live stock, and pork, in Webster City, Iowa. Twelve years ago I went to Sparta, Wis., and went into the grain and produce business there, building a large elevator and handling a great deal of grain and seed, wool, live stock, &c.

Q. What had been Mr. Hemphill's occupation or pursuit?—A. From the time I knew Mr. Hemphill, at the time I went to Wisconsin, he was president of the First National Bank of Sparta, Wis., and held that position until the time that we became traders.

Q. In 1883 you received a license to trade. At what agency was your trading license located?—A. At the Cheyenne and Arapahoe Agency.

Q. How much money did you invest in the business at that time?

The WITNESS. Do you mean the amount of our capital?

The CHAIRMAN. I mean as a firm. State how you commenced business.

A. Our contract or agreement was that we should put in $30,000 as capital, $15,000 each. I afterwards increased my capital two or three thousand dollars, and I had a little over $17,000 of my own capital invested.

Q. Then the firm had an investment at the start of about $30,000?—A. Yes, sir.

Q. Was there a trader there before you went there?—A. Yes, sir.

Q. Did you buy out some one?—A. I succeeded L. Candee, a gentleman who had been associated with Mr. Hemphill. Hemphill had been there six months before I went there, and had been financially interested from the commencement of L. Candee's tradership.

By Senator CULLOM:

Q. Where was Candee from?—A. He was from Chicago, as far as I knew. He is now of Saint Louis.

By the CHAIRMAN:

Q. Did you enlarge the business?—A. Yes, sir; somewhat.

Q. What about the buildings which you put up?—A. We built very few buildings after we went there, as the buildings had been just built up new. L. Candee in 1881 built the buildings.

Q. What were the buildings worth; what did they cost?—A. The expense account shows $13,000.

Q. Can you give the exact date of your first license?—A. It was May 8, 1883. We commenced to open our store as a firm June 1, 1883.

Q. Were your license, renewed annually?—A. Yes, sir.

Q. Until what time?—A. Until May 8, 1885.

Q. So far as you know, was there any complaint against you and your method of conducting trade at the store or agency?—A. There was not.

Q. State, in your own way, the history of your application for a renewal of your license, and the result.—A. Thirty days previous to the expiration of the license we always sent in our application for a renewal, and we did that on the 1st of April of that year. That was our custom. Thirty days previous to the expiration we would send in our application, with a bond approved, for renewal.

Q. Proceed and state what occurred.—A. The renewal did not come, and as it was not uncommon to have our mails and our business a good ways behind in getting into the Territory, we paid little attention to it for the time being, simply calling the attention of the Indian agent to the fact that we had no license. He said, until it was revoked, and we had a notification of it, why we would be at liberty to trade, and so long as there was nothing said we said nothing until we thought the time exceeding long, when we again called the attention of the agent to the fact. He replied that his matters were very much detained at the office of the Indian Department, and he supposed there was a great rush of business under the change of administration, and therefore it would be naturally slow, and we did not think much about it, and it was up in June or the 1st of July before we had any intimation that there might be any trouble about the license. The first intimation we had of anything going crooked, that looked to us like a possibility that we would not get a license, was a mysterious letter, a strange letter, that came to us from the city of Washington. We could not comprehend its meaning or import or why we should have had it.

Q. Who was it from?—A. I do not remember. If you will allow me to refer to my letter-files I can tell you. I read it over, and that is about all I know about it, except that I know where to find it. [After an examination of a letter-press copy-book.] It was from Samuel C. Mills.

Q. Was he a stranger to you?—A. Yes, sir; I never had heard of him before.

By Senator CULLOM:

Q. Have you heard of him since?—A. No, sir; except through a second letter.

By the CHAIRMAN:

Q. He is an attorney?—A. Yes, sir. We had never employed any attorneys before this.

Q. This was simply a letter from an attorney who said that if you wanted any of his assistance why he would be glad to serve you?—A. Yes, sir.

Q. It is not important enough to put into the record. You may proceed with your statement.—A. We went to the agent about it, and we wrote or answered Mr. Mills, saying that we never had employed any attorneys in our business there, and did not know that we had any need for one. He answered in reply that our Indian tradership license might require looking after, and it might be necessary for us to have an attorney, or to that effect. When we talked to the agent in regard to the matter we said to him, "Who is there in Washington City that we might write to, that we could engage there, to save one of us going there, who would go to the Commissioner and see whether or not he is going to renew our license?" We then commenced to feel as though we ought to make some move in the matter. He referred us to a gentleman there, a young attorney, who was a friend of his. He says, "If you have a mind to write to him, I presume that he can see to all that you want." And so we wrote to him.

Q. To Mr. King?—A. Yes, sir; to Mr. George A. King; and he wrote us back something to the effect that the Commissioner was hesitating; that was about what he said, the import of it; that the Commissioner was hesitating, and he thought it would be better for some one to come down there. Late in June I went to the North on a little visit, and in connection with business, with my family, and was in Wisconsin at the time of Mr. King's reply came, and my partner forwarded the correspondence and thought I had better go down to Washington. About the 16th of July I was in Washington City and I called upon the Commissioner of Indian Affairs. I had letters of recommendation, of course, from plenty of Wisconsin friends, Senators, Congressmen, &c., and I went to the Commissioner and stated my object in coming.

Q. Did any one go with you to see the Commissioner?—A. I think Mr. King went in with me that morning and introduced me.

Q. Senator Sawyer did not go with you, did he?—A. No, sir; no Congressman or Senator was with me. I think George A. King went in with me and introduced me. I had never been in the Commissioner's office before, and never had met him. I am not quite sure I am right about saying that Mr. King went in with me, but I believe he did. I told the Commissioner that I had come in to see about our license, and he replied that he had appointed two traders for our agency. I said, "We have had no notification of it that you intended to do so." Well,

he did not consider that it was necessary. I said, "Will you not appoint a third one?"

Q. Before leaving that, did he state who he had appointed?—A. Yes, sir; I asked for the names of the gentlemen, from the fact that I felt that I might want to confer with them in regard to some trade that we might be desirous of making with them.

Q. Who did he say he had appointed?—A. He said that he had appointed W. B. Barker at the personal request of Secretary Lamar; that Secretary Lamar had come to him and said that he desired that Barker should have an appointment as trader at a place that he might select, and that he had selected the Cheyenne and Arapaho Agency. That is about as he put it.

Q. Who was the other trader whom he had appointed?—A. He said, "I have appointed C. Y. Meeks, of Tennessee, a personal friend of mine."

Q. Then you were going on to say that you asked if he would not appoint you besides?—A. I asked him if he would not appoint a third trader. He said, "I do not think that I shall, but," he says, "Mr. Hubbell of that place and agency, a trader, was here yesterday, and from what he tells me" (he had made some inquiry in regard to the amount of business we had at our agency) "I may change my mind and appoint a third man. If I do I have promised the place to Mr. Hubbell."

Q. How many traders were there at the agency before this time?—A. When L. Candee went there there was but one, a Mr. Reynolds. Then Hayes and Connell, with Candee, having two licenses, combined and put Reynolds out. That made two. Mr. Connell was running one and Mr. Candee the other. A year after I went there, Reynolds, Doty & Hubbell procured a license and built a new store. That made three.

Q. And was that the number up to the time that you went to Washington?—A. Yes, sir; that was the number that was there then; that was the most that was ever there.

Q. What was the amount of your trade there at your own store annually?—A. When there were two traders there it was from $100,000 to $125,000 each. At least that was the amount of our business, and I believe their business to have been about equal; I am speaking of Connell's business and ours.

Q. Do you mean to say there was a business of about $300,000 done at the agency?—A. No, sir; there were only two traders at that time. When there were three traders, which was the case a little over a year, our individual trade was from $75,000 to $80,000 a year, and theirs was something near the same; I do not know what it was.

Q. The whole of the trade at the agency would be something, then, like $250,000?—A. Well, at least $225,000 I should say.

Q. The Commissioner said that if he did license another trader there he should license Hubbell?—A. He said, "I have been talking with Hubbell in regard to the amount of business you can do." He asked me how much our trade was. I said at our last invoicing our trade was over $75,000 for a year, and I said I presumed the other three traders were doing nearly the same amount of business. "Why, yes," he said, "Hubbell tells me about the same thing in a report from his store."

Q. Did you ask him whether there had been any complaint made against you?—A. I asked him why we should be removed to give place to any one else without charges being preferred. He says, "I have stated to you the fact; it was personal friendship that did it." He says, "You are as good men as we can ever put there." That is about all the answer he made. He said, "Your characters are unexceptionable."

Q. In that conversation did you say to the Commissioner anything as to what the effect would be of not having your license renewed?—A. I told him that it was going to embarrass us wonderfully, and he says, "In what way?" I said, "In the first place, we have a very heavy stock of goods and are doing a large business at an inland place, and," I said, "unless your appointees will take our buildings and property it will ruin us." I asked him if he thought they would do it, or if they were able to do it. I said, "I ask this simply for information to help me." He said that Barker, he thought, would command some money, but he said Meeks was a poor man. He said, "I hope you can make some arrangement with them so that you will not meet with serious loss"; and he gave me their addresses on a piece of paper with his own hand. He asked me about the amount of investment we had. I told him that our stock would invoice anywhere from $30,000 to $35,000; that our buildings had cost us $13,000; that we had from $5,000 to $6,000 of outside property in hide-yards and presses, ox-trains and wagons—heavy, coarse wagons for freighting—and that we had a large outstanding indebtedness, and would have until we could meet a payment and make collections.

Q. Did you state the amount to him at the time?—A. I stated it at $10,000; that was as near as I could then estimate it, and it was very nearly correct; or that our investments would be perhaps from $55,000 to $60,000.

Q. Did you not make a remark of this sort to the Commissioner when he said that Barker could command some capital, but Meeks was a poor man: "So Barker is the only man there that the three traders can sell to"?—A. Yes, sir; I believe I did.

Q. What did he reply?—A. He said he could not furnish capital to buy traderships, and he said it in a distinct, positive, and short manner; that he was not furnishing capital to buy traderships. I was simply inquiring for information so as to find a way to get out of the trap.

Q. I suppose you became convinced that you were not going to be licensed?—A. I felt a little that way.

Q. What did you say then to the Commissioner?—A. I was looking around for a way to get out, and that is why I asked him those questions.

Q. Did you ask him for an extension of time?—A. I asked him what he would do for us. He said, "We will have to give you some time. Will sixty days' time clean up your business and get you out of the Territory?" I replied that one year could not do it and save us. I said, "We have no one to sell to unless it is to your traders, your appointees, and if you appoint but two men there will be three of us to sell to them, and we cannot all sell to them, if any of us can."

Q. What did he say to that?—A. He said he hoped that some arrangement could be made by which we would not meet with loss, and that we should have ample time. I construed that to mean that he would consider that we should have plenty of time to get away; that we would not be hastened, at least, especially if there were but two new appointees; that we being the third and last might possibly remain for a year, or something of that kind. That is the way I looked at it, you know. I so understood it. I only remained two days in the city, and this occurred in the first conversation. The Commissioner asked me how long I should stay in the city, and I said I should stay only until the following day; that I was in a great hurry to get home. He asked me to call again, and I called again the next day. On this occasion we went over the ground about as we had done on the first day,

except that the Commissioner asked me a good many more questions and said, "I am a little surprised at what I hear of the amount of business that you men do; but," says he, "you shall have ample time"; and he seemed to feel a little more generous towards me the second day than he had the first day, but he did not fix any time for our remaining then.

Q. Did you try to get any time fixed?—A. I contended for a year's time. I wanted one year in which to have time to look around. I stated to him this fact, that many of our goods were winter stock, a great majority of them were heavy winter stock and would not sell until the winter time of the year; that they consisted of heavy clothing, and heavy boots and shoes, and goods of coarse material, and that in the heat of summer it would be impossible for us to sell them to the Indians or to force them off perhaps on other traders.

Q. Well, you got nothing except a statement from him that you should have ample time?—A. That is all; he fixed no time.

Q. You went home then?—A. I returned home to the agency as soon as I could. My family was in Wisconsin. I returned there immediately and then went directly home.

Q. What next did you hear?—A. I reached home, I think, on the 6th of August, and about that time the instructions came to the Indian agent that Hemphill & Woy should prepare to quit the Territory by the 21st of October.

Q. When was it that you were in Washington?—A. On the 16th of July.

By Senator CULLOM:

Q. What is the date of this letter of instructions that came to the agent, or what time did you receive it?—A. I have not the letter, but it was dated some time in August.

Q. This visit of yours to Washington was in July?—A. Yes, sir.

Q. And this letter was received something like a month afterwards, perhaps?—A. Yes, sir; it was a month, or nearly a month; I will not say just when, for I do not know. I do not recollect it, and I have not got a file of them, from some cause, and do not know whether I can find it. These instructions would come to the Indian agent and he would send a clerk over with a simple note saying, I am authorized thus and so, and that was all there was to it. It was a telegram, and he sent it over, but we failed to make a copy of it.

Q. You were then preparing to go out?—A. Yes, sir.

Senator BLACKBURN. I will furnish a copy of the orders.

The WITNESS. I suppose you have them. I do not know what time it was, but it was after I had gone back there.

By the CHAIRMAN:

Q. Did either of these persons who were appointed traders appear at the agency?—A. I learned, when I got back, that Mr. Barker had been there; at least one of them had been there, and I believe it was Mr. Barker.

Q. Did you see him?—A. No, sir; I was not there myself. My partner saw him and had some talk with him, but he had gone when I got there.

Q. Did you see him at any time?—A. When I returned again late in the fall, about October, perhaps, I do not know exactly the date, he was there. He was there in the fall, about the time or before the time the license expired; I mean our extension. There was some correspondence between Barker and ourselves during his absence, I believe, but I do not know

at what time. I believe Barker was in Darlington about the time I was in Washington, I think just about that time, and had conversations with the traders, and then had left without making any arrangements.

By Senator CULLOM:

Q. Was any arrangement ever made?—A. Yes, sir; Barker made one.

By the CHAIRMAN:

Q. You had, either by correspondence or verbally, some negotiations with Barker about selling to him?—A. Yes, sir; my partner had some correspondence with him during my absence in which he desired to negotiate with him in some way or shape to cover our business.

Q. Did it amount to an offer on the part of Barker?—A. No, sir; I believe not; he declined, I believe, all offers.

By Senator BLACKBURN:

Q. Who declined all offers?—A. Mr. Barker declined, I believe, to make any offers to enter into partnership or any arrangement by which we could trade, while he also declined to buy our stock or property.

By the CHAIRMAN:

Q. Did you make any propositions to him, any offers to him?—A. We certainly did. We tried very hard to get him to take hold of our business.

Q. Did you give him any figures?—A. I think we made him some figures. My partner and he had talks and I have a copy of a letter that was written to Barker in relation to our business.

Q. Just read it, please.—A. (Reading.) "I am in hopes my partner will return in a few days"——

Q. That is from your partner, Mr. Hemphill, to Mr. Barker?—A. Yes, sir. [Continuing to read:] "Your address was limited to two weeks, so I write now to reach you." It seems he had been there, and when he left he said he would be at his home two weeks and correspondence would reach him there. This was written July 16, so that he must have been at the agency early in July. He was writing to get inside of the limit. He asked Mr. Barker something like this: "How would you like to take us in as partners, or what share would you be willing to take and let us do business for you?" That was Mr. Hemphill who wrote. He says, "My partner has not yet returned."

Senator BLACKBURN. Mr. Chairman, let us put the whole of that letter in.

The letter referred to is as follows:

DARLINGTON, IND. T., *July* 16, 1885.

DEAR SIR: My partner has not yet returned, so I am still unable to make you different proposition than when you was here.

How would you like to take us in as partners; or what salary or commission would you take and let us do business under your license?

I am in hopes my partner will return in a few days. Your address was limited to two weeks, so I write now to reach you. Please let us hear from you.

Yours, truly,

HEMPHILL & WOY.

WALTER B. BARKER, Esq.,
Jackson, Miss.

The WITNESS. In answer to that, on the 21st of July, 1885, Mr. Barker wrote the following letter:

JACKSON, MISS., *July* 21, 1885.

DEAR SIRS: I am in receipt of your favor, 15th instant, and in reply beg to say I can see no way by which any arrangement could be effected in the several ways you suggest. I would not, of course, do anything that would bear the semblance of act-

ing in bad faith towards the Indian Department, and I am sure you would not, and to do what you suggest could be construed into something like it. I do not see how we can make any trade. In the first place your stock is nearly double what I would think of buying were I to entertain the idea of buying an old stock; and in the second place your store-house is by far too expensive for me. All I would think of doing would be to lease your store-house for four years, and your residence near by, if you desired. Your stock of goods I would not think of making you an offer for, for the reason it is so large and you have been in business so long that much dead stock would naturally accumulate.

If you see proper, please say what you will lease me your store-house and residence, separate or the two, for four years, payments to be made as you desire. I will thank you to write me at once, for if I cannot lease yours, or either one of the other two, I shall have to build, and of course must know not later than 1st August.

Yours, truly,

W. B. BARKER.

Messrs. HEMPHILL & WOY,
Darlington, Ind. T.

By the CHAIRMAN:

Q. What reply did you make to that letter?—A. I did not make any reply; that fixed it with us so far as that is concerned. We had no other letter, I had not at least, from him until he came there.

Q. That ended the negotiation?—A. Yes, sir; the correspondence.

Q. Then when he came there what occurred?—A. When Mr. Barker came to us we had had some correspondence with Mr. Meeks during that same time. Mr. Meeks had gotten there before Barker came back, and we had some negotiations with him of course—all traders, all hands—and we had not heard from Meeks and were therefore hardly at liberty to negotiate with Barker until we heard from Meeks, as we had submitted propositions to him. But of course we talked business to Barker and were anxious to make some arrangement. Therefore he was in to negotiate with us for the lease of our house; that was what he proposed to do, and the thing that we did not desire to do.

Q. Did he ever make you any proposition to buy your stock?—A. No, sir.

Q. Did you make any proposition to sell it to him, any definite proposition, that is, name the figures at which you would sell it to him?—A. Yes, sir; we did in regard to the buildings and put an approximate valuation on the stock.

Q. What did you offer to sell your buildings for?—A. We offered them for $5,000 lastly. We asked more of course at first, but we offered them to him at $5,000.

Q. And what was your proposition about the stock?—A. That we would sell it at 60 to 75 per cent. off from actual cost of investment at appraisement.

Q. Was that offer accepted?—A. No, sir.

Q. Did he make a proposition as to what he would do, and if so what was it?—A. Mr. Barker said that he would give us $3,500 for our buildings. That was the only proposition, I believe, we ever had for our property.

Q. That included what; your store-house and what else?—A. Our warehouses, hide-yards, hide-press, and corrals.

Q. And your residence?—A. I am not quite sure that the residence was included. It was a thousand-dollar property as we appraised it and valued it to him.

Q. What did these buildings cost you?—A. Thirteen thousand dollars, all told.

Q. Did you make any definite proposition to Meeks?—A. I see that by letter we did.

Q. What was it?—A. It is very dim to read in this letter-press copy-book, but this is it:

DARLINGTON, IND. T., *July* 1, 1885.

DEAR SIR: We understand that you are appointed trader at this place. Now we have the best store-building of the three here, and the largest experience in the kind and quality of goods that is needed here, consequently the best stock, and have the largest trade, and we trust you will call on us before you enter into contract for building or stock, as we can sell you both cheaper than you can possibly lay them down here.

Please let us hear from you.

Yours truly,

HEMPHILL & WOY.

C. Y. MEEKS, Esq.,
Sardis, Tenn.

By the CHAIRMAN:

Q. Was there any answer to that?—A. I think likely. Here is one I find in my letter-press copy-book. But first here is another letter, which we wrote to Mr. Meeks on the 15th of August, 1885:

DARLINGTON, IND. T., *August* 15, 1885.

DEAR SIR: Our Mr. Woy has returned, and after talking matters over we have come to the conclusion to make you the following proposition:

Sell you our stock, as we talked with you while here, less freight both ways. Sell you our buildings, consisting of store (with its five large, nicely furnished rooms up-stairs arranged for family living) ware-room, dwelling, hide-house, and sheds and fences around hide-yard, barn and houses and corral, pumps, wells, cisterns, &c. (which together cost us nearly $13,000), for $7,000. This will give you a first-class business with dwellings, all ready to step into, with our good-will with the Indians, which is worth a great deal, and we will go out and give you possession at once.

Truly yours,

HEMPHILL & WOY.

C. Y. MEEKS, Esq.

The WITNESS. In reply to that Mr. Meeks sent us the following letter:

SARDIS, HENDERSON COUNTY, TENNESSEE,
September 7, 1885.

Messrs. HEMPHILL & WOY:

Your letter of August 15 received and contents duly noted, and after due consideration I must decline to accept your proposition. I do not want to buy any of your houses; would like to lease your store-house for four years. Goods I suppose are now about 10 per cent. cheaper than they were when you bought, and unless I could get a very great bargain in the purchase of old goods I would prefer to buy a new stock. I think I will come out there between this and the 21st of October and then perhaps we can make a trade about the store-house.

Will you lease your store-house for four years? If so, what will you lease it for?

Yours, truly,

C. Y. MEEKS.

By Senator BLACKBURN:

Q. Is there any answer to your letter of the 21st of July, 1885?—A. No, sir; I think not.

Q. Did you get any answer to your letter to Meeks, I mean, of the 21st of July?—A. No, sir; he says he would be there the 21st of October.

Q. He says that in answer to your letter of August 15.—A. I do not think, then, we have any reply.

Q. You do not speak in your letter of August 15 of having failed to get an answer to your letter of July 21.—A. If there was a reply it has been mislaid; I have not been able to find it; there may possibly have been one, but there was none to my knowledge.

Q. It is rather singular you did not state the fact in your letter of August 15 that you had written to him on the 21st of July and had re-

ceived no reply from him?—A. I know it; but you do not wish for that letter worse than I did. We never had any such letter to my knowledge; if we had you would have it. The letter to Barker then comes in next, in answer to his last letter.

By the CHAIRMAN:

Q. Is there any other correspondence that you have between you and Meeks?—A. No, sir; I believe there is nothing more.

Q. You have no copy of the letter which you wrote in reply to Meeks, asking what you would rent for?—A. No, sir; we never answered it.

Q. Meeks soon came there, did he?—A. Yes, sir; he came on and we never answered those letters that pertain to leasing buildings.

Q. Did you have a conversation then with Meeks in regard to matters?—A. We had some. I spent several days and nights sitting up with him trying to make some negotiation with him, without any definite result, though.

Q. You say that you had a good deal of talk with Meeks to try and negotiate with him?—A. Yes, sir.

Q. That continued over a considerable period of time?—A. Yes, sir; perhaps nearly two weeks. He was there and seemed to be inclined to fix himself up for business, and between Hays and myself we kept him quite busy.

Q. What was the result of it so far as you were concerned?—A. It amounted to nothing. He never made us a proposition to buy a dollar's worth of goods or buildings in any shape or form, but rather admitted that he was not able to do it. That was the import of his conversation, that he would have to do something else than buy buildings.

By Senator CULLOM:

Q. This is Mr. Meeks you are talking about now?—A. Yes, sir; Mr. Meeks. He made us no proposition.

By the CHAIRMAN:

Q. He made you no proposition of any kind except to lease your buildings?—A. He wanted to know what we would lease the buildings for, the same as Barker did, and we positively declined to put any price on them for leasing. We thought that we would not be the owners when we went out.

Q. I see in your letter-book there a letter to Barker, which was written subsequently, a reply to Barker's letter?—A. (Referring to letter-book). This is a letter dated August 19, 1885. It is a letter which I wrote to Mr. Barker, and reads as follows:

DARLINGTON, INDIAN TERRITORY, *August* 19, 1885.

MR. BARKER:

MY DEAR SIR: Referring to yours by Mr. Charles, will say we have submitted terms of sale of our stock and property to another party that desired it, and if he declines shall be glad to negotiate with you. Should have reply in a few days. Our buildings and stock are fresh and good, and we will sell it at a great discount and invoice it at once, so much so that the purchaser will have decided advantage over any stock that can be put here. The same can be said of the buildings, as no more are needed at present. It is the fittest that survive. Should you come here you can buy what we have varying from 60 to 75 per cent. on the dollar. This store is built four years and is a number one building.

Truly yours,

HEMPHILL & WOY,
By WOY.

By the CHAIRMAN:

Q. All this negotiation resulted in nothing?—A. Yes, sir.

Q. What then happened with regard to your right to trade there?—A. About this time, when we discovered we were not going to be able to sell anything, we again appealed to the Commissioner by letter through the agent.

Q. Did the Commissioner come there at any time?—A. He came there along later. But we wrote the Commissioner, and I have copies of the letters here, and the Commissioner extended our time to January 1.

Q. In the mean time he had been there, had he not?—A. In the mean time, during the month of November, the Commissioner came there and was in our store and was with me some time. I showed him our buildings, and took him through our property that he might see what it was and what we had. He bought some little notion of dry goods in the store and staid with us some little time.

Q. What did he say about having refused to furnish you with a relicense, if anything?—A. He simply replied, when he looked all through, that it was a bad state of affairs, or something to that effect, and he was sorry for it, or sorry for us, one of the two he said, I do not know which.

Q. Then your time was extended to January 1?—A. Yes, sir.

Q. Did you go out then?—A. Well, we intended going, but owing to the high waters and the impassable condition of the roads we failed to do so, and Mr. Hemphill went to Washington City, seeing that it would be utterly impossible for us to haul our goods over the roads and through the rivers and waters as yet, and that we must be allowed to stay until the roads were better and the waters would go down, so that we could get through. Of course our trade was virtually over. We had, of course, exhausted all our grocery traffic months before, and our trade did not amount to anything then, for our goods were of that character that were not often called for. The grocery department had run out and our trade was light, because the Indians will go to stores where they find tobacco, coffee, and sugar sold.

Q. What you were asking for then was not an extension of time to trade but to remove in?—A. Simply an extension of time, owing to the condition of the roads in the country we were going to pass through. While it implied the privilege to trade, we cared nothing for the trade; that virtually was ended for us, but we wanted to trade so as to be able to collect what was due us, if anything could be done of that kind.

Q. Did you get that permission?—A. Yes, sir. Mr. Hemphill went to Washington and talked with the Commissioner, and he said that we should remain until the middle of February, and that by that time the water would be down so that we could get away.

Q. Do you know yourself whether there was any consultation between the Commissioner and the Secretary as to that last extension?—A. I do not know anything about it only what my partner would state in the matter, and what he stated to me, that he thought we ought to stay until April, until the roads would dry down and until we could get out comfortably in warmer weather, as it would be a tedious journey for our families, and he begged that time to be extended until April, and the Commissioner was inclined to give it, and partially consented to do it, but jumped up hastily from his seat and said, "Wait until I speak to the Secretary of the Interior for a minute," or words to that effect, and he went out and came back and said in an excited manner, "The Secretary says that you must go at once, that your time has been extended already and that you must go at once, but," he says, "if it costs me my office you shall stay until the 15th of February." That is what my partner told me, and what I presume he will tell you.

Q. At that time you left the Territory, did you?—A. Yes, sir; we closed our doors then, boxed our goods and commenced loading and shipping them away.

By Senator BLACKBURN:

Q. When was that?—A. After the 15th of February; we closed that day.

By the CHAIRMAN:

Q. What was the result; what was the condition of the roads at that time?—A. They were practically impassable, and the goods we loaded were six weeks in getting here to Arkansas City.

By Senator BLACKBURN:

Q. What was the distance?—A. About 150 miles. It was 112 miles to Caldwell, and the most of them came by the way of Caldwell, and some by the way of Kaw, which was 135 miles.

Q. Which was the nearest railroad point?—A. Caldwell, Kans.; it was 112 miles. When I came myself, with my wife and child, we had a two-horse buggy and a double-seated wagon. We took the seat off and put the trunk in and sat on top of the trunk, put our feet on the dash-board, and forded the Cimarron River with our horses swimming part of the time. That is the way we came out.

Q. How long were you coming up there yourself?—A. I think about six days, with a two-horse carriage.

By the CHAIRMAN:

Q. What was the result, financially, so far as you were concerned?—A. The result was that during the time we were reducing our stock we did not pretend to sell it for what it cost us. We gave it away and disposed of it in any way we could, as we did not feel that it was of any use to try to get it out, a great deal of it, of any consequence, and we reduced our stock to perhaps $10,000 or $12,000. It was not invoiced; we did not invoice it. We invoiced it the last of January and we staid there until February 15, and we reduced it below that. It was something over $13,000 in January, and we reduced it some more, and the remainder we brought over here. Our creditors were excited and commenced to press us, and the result was we had to go in and make an assignment of it to save its being attached for debt, and put it all under assignment.

Q. And have you been trying to sell it out here, at Arkansas City?—A. Yes, sir; it has been sold.

Q. With what result?—A. I scarcely know. The court appointed an assignee who went on and sold it for something over $3,000; that is what it nets, I believe—$3,200 or $3,300.

Q. What did it cost to bring it up here?—A. It cost, I think, nearly $400, perhaps. We paid from $1 to $1.25 a hundred for the freighting, by Caldwell, here.

Q. What became of your buildings?—A. They remained there, those that are not burned down, but there was one barn one of the old corrals, which was formerly the old store before we built the new store, which was burned recently. That old store was a good picket building, with a shed in addition, and was originally a trader's house, but we converted it into a barn and store-room, or something of that kind, at the back end of the lot.

Q. What became of your new store-house?—A. That stands there about as we left it, empty.

Q. Is the Government using any portion of your buildings?—A. The agent told me that he had taken the privilege to pack the bacon in the cellar, several car-loads of spoiled bacon, and put on top several car-loads of ashes that he had to preserve it.

Q. He did not do that in pursuance of any arrangement with you?—A. No, sir; not from any consultation with us, except that we turned the key over to him when we left there.

Q. Have you any means of disposing of your buildings at all?—A. No, sir; not in any way.

Q. Was there anything due you from the Indians when you left there?—A. Yes, sir; there was about $8,000 due us. The books show perhaps nearly $9,000 of uncollected debts against the Indians and others.

Q. What has become of that?—A. We have never looked after it at all. I spoke once or twice to the agent about it, and he said the Indians were without money or means, and he said it would be impossible to collect a dollar of it.

Q. Do you think you could have collected it if you had been permitted to remain there?—A. We could have collected some of it as soon as they got their money, of course.

Q. Did it consist of old accounts, or what?—A. There is about $3,000 of accounts; $3,000 to $4,000 that were Candee's accounts, made in 1881 and 1882, before I went there.

Q. That, practically was not worth anything?—A. I cannot say there was that much uncollected. We had collected some of those old accounts, but that was what it was when I bought in. We collected nearly half of those old accounts and also extended others and kept the account even, or made it greater than it was then.

Q. What proportion of that $10,000 do you think would have been collectible if you had been permitted to remain at the agency?—A. Under the existing circumstances now, as they have turned out, I think the possibilities are that we never could have collected perhaps over the half of them, if that.

Q. What do you refer to as "existing circumstances"?—A. I refer to the matter of the Indians being deprived of any money resource. They get no annuities in any sense now except what they get from beef-hides of the beeves that the Government issues. That they always got and get still. Any other moneys must come from the sale of property of their own, such as ponies and cattle.

Q. Has that diminished the value of the agency as a trading post?—A. I think it has, materially.

Q. I want to ask a question or two in regard to the character of this Indian trade. Is it possible to sell to the Indians for cash where they have annuities?—A. Yes, sir; while they had money. They are as good cash dealers as I ever traded with anywhere.

Q. Do they keep their money?—A. No, sir; they do not keep their money. They cannot keep it any length of time; no longer than they can find somebody to dispose of it to; that is about the way of it.

Q. Suppose a trader undertook to do a cash business at an Indian agency, what would be the result?—A. If he was the sole trader, or all the traders would combine on that basis, I presume they could do a little business for a time. But certainly the Indians would starve to death if they were dependent on the agency, because they will not save their money ahead and provide for a day when they are hungry.

Q. Are they dependent on the traders to some extent?—A. Yes, sir; they were wholly so at that time. They got no other annuities from the Government while we were there except a little flour and beef.

Q. They got a cash annuity?—A. Yes, sir; but they got the most of their money from the lease of their lands.

Q. You have scarcely answered my question fully yet. Do you think it is practicable for an Indian trader to do a cash business?—A. No, sir; I would not think so. I should not do it if I were to go to trading again. There are Indians that I would trust as quick as I would a white man if I knew who they were. They are just as good pay if you know your man.

Q. You spoke of an affidavit which was forwarded by your partner to Washington in July, which gave an account of your investments or a statement of your investments there. Do you know whether this is a copy of it [handing a paper to the witness]?—A. Yes, sir; this is a copy of the statement which we retained. This is a statement of our property and buildings.

Senator BLACKBURN. What is that, an affidavit?

The CHAIRMAN. It is an affidavit, which was sent to Washington, of the amount of investment made there by this firm of Hemphill & Woy.

The paper referred to is as follows:

I, John T. Hemphill, of the firm of Hemphill & Woy, traders at Darlington, C & A Agency in the Indian Territory, do make affidavit of investment at this agency as follows:

Paid for two-story frame store building 42x50; one-story ware-room 26x50, and sleeping rooms 14x28; one-story dwelling 16x32, with wing 14x28; freight and expenses of buildings, same complete with stone foundations, cellars, and permanent furniture such as counters, shelving and office; value to-day			$10,155 98
Stock, estimated from inventories:			
June 1, 1883	$32,579 64		
Jan. 1, 1884	32,293 61		
July 10, 1884	28,585 80		
Jan. 10, 1885	30,857 12		
Average = ¼ of	124,316 17	or	31,079 04
Investment in hide-buildings			41,235 02
Investment in fences and appliances for drying, baling, and shipping hides			700 00
Investment in wagons			1,000 00
Investment in buggy team			147 25
Investment in accounts due, per balance sheet, Saturday, June 13, 1885			9,343 05
Investment in insurance unexpired, June 15			200 00
Investment in bills receivable on account mdse. sold			2,525 77
			55,151 09

And that we have complied with all the laws of the United States in relation to trade with the Indians in every respect to the best of our knowledge, and that it would incur loss to us of fully two-thirds of our investment to be denied our license now.

And further, that neither member of this firm has ever had any interest in the cattle trade of the Territory, nor any interest whatever in any land leases by the Indians to the cattlemen.

Subscribed and sworn to before me this 17th day of June, 1885.

By the CHAIRMAN:

Q. Where is your partner at the present time?—A. He is in Minneapolis, Minn.

Q. What is his age?—A. He is nearly or about sixty-two years of age; I cannot state positively his exact age.

Q. Has he any property left?—A. No, sir; he has no property.

Q. Is he in business?—A. I believe he is in a real estate office with somebody, though I am not certain about that. I judge that from his letter-heads only.

By Senator BLACKBURN:

Q. What time was it that you went into partnership at this agency?—A. We went into business June 1, 1883.

Q. You went in with Mr. Hemphill June 1, 1883?—A. Yes, sir.

Q. Who had been Hemphill's partner before that; whose place did you take?—A. I understand the matter to have been that L. Candee was the Indian trader and Hemphill had furnished considerable capital.

Q. When did Candee become an Indian trader?—A. Perhaps about 1880 or 1881. He kept a store first, a little while, in the old building that I spoke of which burned down.

Q. Did Candee have any money or resources when he went there?—A. I do not know anything about that; he was an entire stranger to me.

Q. You never found out whether he went there with capital or not?—A. Only that he always represented to me that he had five or six thousand dollars of capital.

Q. Did Candee build those buildings?—A. Yes, sir: I believe he did; he so represented to me.

Q. He and Hemphill were partners, were they?—A. I think Hemphill simply furnished the capital to him as a relative, not as a partner. This Candee was his cousin, and Hemphill simply furnished the capital. That is the way I think the business opened.

Q. Did Hemphill have any interest in the profits?—A. I do not know anything about that. I do not know what their associations were in that respect.

Q. When you went there whose interest, if anybody's, did you buy?—A. I bought half interest of Hemphill. Previous to my going there he had bought Candee out. He had bought out the whole business.

Q. How long had Hemphill been there before you went there?—A. I think he went there in October before, six or eight months before I went there.

Q. And Candee built these houses?—A. Yes, sir; I believe he did.

Q. What sort of a business man was Candee?—A. I saw so little of him, as he moved away about the time I went there, that I do not know. He only has been to the agency occasionally.

Q. Do you know what his general reputation as a business man was in that community?—A. I think only fair; I do not know.

Q. Was he not regarded as a crank, a half-crazy, irresponsible sort of a fellow?—A. Oh, no, sir; I think not.

Q. You think he put up those buildings after a practical economical fashion?—A. Yes, sir; I think they were built as they should be.

Q. And as cheaply as they could have been?—A. I do not know about that. I am not prepared to say whether I or anybody else could have built them any cheaper.

Q. Had Hemphill's business there at that agency been a profitable one or otherwise?—A. It seemed, from what I gathered att he time in the settlement between him and Candee, that they did not consider that Candee had made a success at Indian trading.

Q. Had Hemphill made any money prior to your going into business with him?—A. I do not know as to that; I never heard him say. He represented to me that he was doing a good business and that is all I know about it.

Q. Hemphill did?—A. Yes, sir,

Q. It was at his suggestion that you bought a half interest, was it?—A. Yes, sir.

Q. Now, after you went into partnership with Hemphill, and prior to the October when your license expired, were you and Hemphill making money there?—A. Yes, sir; we made some money there.

Q. How much?—A. We did not make a large per cent. of profit, we thought, but our invoices showed every six months from $3,000 to $5,000; I think the last six months from $3,000 to $5,000 or $6,000.

Q. Do you mean profits?—A. Yes, sir.

Q. Did that include or exclude your uncollected debts?—A. It was considered a net profit.

Q. Did you make that much exclusive of the uncollected debts?—A. No, sir; perhaps not.

Q. That is my question.—A. Well, providing the debts were collected or settled we would have a profit of that amount.

Q. Now, in regard to these freight teams that you had. Did you use them for any purpose except the hauling of your goods?—A. Yes, sir; we used them for anything that came in the way.

Q. Did you have any contracts for hauling military supplies?—A. No, sir; except to put in one Government wood contract at Fort Reno, and I did that to relieve Candee. It was a contract he had made when I went in there.

Q. You never hauled any military supplies?—A. No, sir; I never hauled any, never a load. But we took his freight teams, and as that contract was not completed I finished it.

Q. What resources had the Indians with which to trade with you and the other traders at that agency; where did they get their money from, and how was it procured?—A. Their money came principally from the lease of their lands and the rent paid by the cattlemen.

Q. When were those cattlemen sent off under the proclamation of the President?—A. I do not remember when they went away, but it was, perhaps, in October, 1885; I will say so at any rate.

Q. I think you are about right.—A. It was a forty-day order, or I understood it to be. From the time the order was issued there were forty days given to remove; and everybody called it the forty-day order.

Q. At any rate it was in the fall?—A. I think it was in October, 1885, when they got out.

Q. You left there the 15th of February, 1886?—A. Yes, sir; that is when we finally left there.

Q. When those cattlemen, in obedience to that order, left that reservation, what resources, if any, had the Indians left them to trade with you or anybody else?—A. They had simply what they obtained from the sale of their hides, and the sale of their stock, ponies, and such like.

Q. The sale of the hides amounts to what; about $180 a week?—A. Yes, sir; $200 a week, perhaps.

Q. Among how many Indians does that have to be divided?—A. There were about five thousand, in round numbers.

Q. Aside from any ponies or property of that sort they might chance to own, they had a substantial resource of $180 or $200 a week to be divided among five thousand Indians?—A. Yes, sir.

Q. That constituted their resources for trade and traffic among the traders?—A. Yes, sir.

Q. Then was it not absolutely certain to your mind that the traders had to lose, no matter whether they continued there or not?—A. Well, it was evident there would be a chance for some loss in the way of collections for debts only.

Q. Do you think a tradership at that place, now, is of any value?—A. I do not suppose it is.

Q. Do you not think that every man who is trading there now is losing money?—A. No, sir; I do not think that is necessary, to lose money.

Q. He might not do any trade, and make or lose nothing, I suppose?—A. I think he has some trade.

Q. Can he have any more trade than that?—A. That hide matter will bring in from $200 to $300 weekly. They kill a good many cattle of their own, of which they sell the hides also, so that it will be safe to say $300 a week for hides. Then they have money that comes from the sale of their ponies and cattle, and the pay that comes to the tribe from their military relation as scouts.

Q. Do they get any pay as teamsters for hauling military supplies?—A. Oh, yes, sir.

Q. What do they get for that?—A. They usually get more than anybody else. They always get a per cent. over and above any other freighter.

Q. In addition to their pay as teamsters for driving these wagons, do the Indians get any more pay from the Government than that; is there anything else to be paid them?—A. No, sir; I think not, except to those employed as laborers, police, and so on, around the agency. Their farming, you understand, amounts to something.

Q. What do those Indians employed as police get?—A. I do not know.

Q. Is it not $8 a month?—A. Yes, sir; possibly.

Q. The question I want to ask you is this: There were three traders at that agency?—A. Yes, sir.

Q. And the trade you say amounted to from $200 to $250 a month as long as these cattlemen were left there to pay to the Indians these land rents?—A. Yes, sir; until that time.

Q. That is what I say. Now, after that time, was it possible for any trader, or for three traders, with the stocks of goods you had on hand there, to have gone on and done business without losing heavily?—A. Yes, sir; I do not think there was any need of losing everything.

Q. I did not say that; I say without losing heavily. Could those three traders have carried on their business without losing heavily?—A. I think it would have been attended with some loss all around. It required, of course, a reduction of force.

Q. Would you have staid there as a trader any longer, whether the Commissioner was willing to relicense you or not, after the cattlemen were sent off under that proclamation?—A. Oh, we certainly would have staid and finished up our business as soon as practicable, how long I could not say. We wanted to stay.

Q. Who, in your judgment, was the worst hurt in proportion to the capital invested; you who left there in February, 1886, the cattlemen having been driven off in the fall preceding, or those who were left there after that time?—A. That would depend upon how much investment was made.

Q. Well, with the same amount of money invested?—A. I scarcely know how that would be.

Q. Don't you think you did far better up to the time you left there than the man who was left there after you, with the same amount of money invested in the cattle trade, with the resources of the Indians all gone?—A. I think we did better while we were there than we would have done if we had remained.

Q. You said, in your examination-in-chief, that the bulk of the stock of goods you had on hand at the time your license expired was not salable because they consisted of heavy boots and shoes, winter clothing, and things of that sort, that you could not dispose of in the early summer months?—A. Yes, sir.

Q. Did you not have the opportunity to dispose of that bulk of your stock of goods when you staid there until the 15th of the following February, or within two weeks of the end of winter?—A. Yes, sir; we disposed of some of them.

Q. You say you had about $9,000, if I remember right——A. That is only guessed at.

Q. I mean, of course, to approximate it—of debts due you from the Indians?—A. Oh, yes, sir; that is not so much guessed at; that would range about $9,000.

Q. Now, if you had staid there another year, or ten years, or forty years, and kept on trading at the same rate, would you not have had proportionately the same amount of money due and uncollected?—A. No, sir; I presume not. I think we would have been able to collect in some of our debts, even under the circumstances.

Q. Would you not have been making debts all the time when collecting those?—A. Possibly we might have made some, but if we were preparing to leave, not so many.

Q. Did you ever know an Indian trader who fixed himself so as to be ready to quit?—A. No, sir; I never have.

Q. And I understand you to have answered the chairman's question and to have said it was impossible to do a cash business at one of those Indian posts?—A. It is impracticable perhaps, but not impossible.

Q. Now tell me this, please. The cattlemen having been removed, as I understand it, before Barker opened up his business there, would it have been wise in Barker to have bought the heavy stock of goods that you had on hand; would you have done it?—A. Perhaps if I had had the money I would, at the terms we offered to sell it.

Q. You stated in your examination-in-chief, as I remember in one place, that you offered to sell it at 60 to 75 per cent. discount, and in another place you made yourself probably better understood by saying that you meant to take off from 25 to 40 per cent. of the cost price; which did you mean?—A. I do not remember the statement.

Q. Well, then, tell us now what you were willing to take off of cost price from that stock of goods in the event of Barker's becoming a purchaser?—A. Our conclusions were that if we could sell our stock of goods and save the removal of them, that we would sell them at 60 per cent. of their actual cost or invoice.

Q. That would be a discount of 40 per cent.?—A. Yes, sir.

Q. Who had laid in that stock of goods?—A. We had laid it in, Hemphill and I.

Q. Was there none that came over from Candee?—A. I presume there was not $500 worth of old stock, certainly not a thousand dollars' worth in the building. There was perhaps about a thousand dollars' worth in the building, but I do not know, and could not tell you, anything about what that was. It might have been something like that amount.

Q. How much stock was there when you went in as partner?—A. I think it invoiced about $32,000.

Q. Then Hemphill had bought a full stock after Candee went out?—A. I do not know how much he bought; we were always buying all the time.

Q. If there was not more than a thousand dollars' worth of Candees' stock on hand——A. I did not understand you to ask if Hemphill had only bought a thousand dollars' worth of stock of Candee. I thought you meant to say that when we quit the Territory there was of the old stock of Candee's remaining in our hands a thousand dollars' worth.

Q. No; I mean how much of Candee's stock was on hand when you went in with Hemphill?—A. It was a full stock, about $30,000 of stock.

Q. Was it a well-selected stock?—A. Yes, sir.

Q. You never have done anything with those buildings since you left there?—A. No, sir; nothing of consequence.

Q. Why did you not rent the buildings to Barker when he offered to rent them?—A. We discussed the matter and thought this way about it; that to rent them out would put them beyond our control, and we were a little afraid to do it. We did not know what our rights might prove to be in the Territory, whether we could really hold them and rent them at the time, and we hesitated to do it.

Q. Who were you afraid of; didn't they belong to you?—A. The orders were that we should move ourselves and our effects out of the Territory at a certain time.

Q. They did not expect you to remove the builings?—A. There was no exception; it said, "Remove you and your effects."

Q. Did you think the buildings were included in your effects?—A. If they belonged to us they certainly were.

Q. You did not move them?—A. No, sir.

Q. You left them there?—A. Yes, sir.

Q. Were you not offered rent for them?—A. Yes, sir.

Q. How much?—A. I think Mr. Parker offered us at one time $1,000 annually for the buildings.

Q. He offered you $1,000 a year for four years?—A. Yes, sir; I think so.

Q. You offered to sell them for $5,000?—A. Yes, sir.

Q. But you would not take $1,000 a year rent for them?—A. No, sir.

Q. Did you ever inquire of the Department whether you could retain those buildings?—A. Not that I remember.

Q. Are you positive that you did not?—A. I am very sure that I did not. If my partner did, I do not know it.

Q. He offered to pay you $3,500 for the buildings?—A. Yes, sir, he did; that is my recollection of it. I have no statement from him to that effect; only a verbal talk.

Q. Did that include the detached residence or not?—A. I cannot recollect that point. We wanted to sell everything if we sold anything. He wanted to buy the business property separate from the other; but how the proposition ran I am not positively clear.

Q. My recollection is that in your statement in your examination-in-chief, you said that you offered to take $5,000 for the buildings, including all?—A. Yes, sir.

Q. And he offered you $3,500, and you do not know whether that offer included the detached residence, and you estimated that detached residence at $1,000?—A. Yes, sir.

Q. So that if it was not included, he offered you within $500 of what you asked for the buildings?—A. Possibly. But we did not want to sell anything unless we sold it all. His proposition, I think, was only on the business house.

Q. Does the Indian Office ever refuse to allow a trader going out to rent his buildings?—A. Not that I know of.

Q. Did you ever hear of a case of the sort?—A. I think I have heard of it, but I am not prepared to make any statement about it. We got instructions not to sell the buildings or do anything with them without authority from the Department.

Q. Did you ever ask for any authority?—A. No, sir; I never did.

Q. Did your partner, so far as you know?—A. I do not know that he ever did.

Q. You made no efforts in that direction yourself, and you do not know that your partner ever did, to get authority to do this?—A. To do what?

Q. To dispose of the building.—A. Oh, well, we felt we had authority to do it at that time.

Q. And yet you would not take the $3,500 offered for them, and would not rent them at $1,000 a year for four years?—A. That is so.

Q. And you left them as they were?—A. Yes, sir.

Q. Now what did you mean, or what did your firm mean, by the letter written by your partner in July (if my memory serves me there) in which he proposed to Barker to pay him so much money for the use of his license, he, Barker, to have nothing to do with the business, and you all to go on and conduct it in Barker's name, and have all the profits, and furnish the capital and do the work?—A. I was then away in the North, you remember, and Hemphill, after Barker had been there and they had had a talk, was wondering how we were going to shape our affairs, and suggested to Barker whether or not that could be done, that we could use his license. I was not there and he had not consulted with me.

Q. He advised with you about it afterwards, did he not?—A. I do not know that he did; I do not recollect.

Q. I should think he would; it was a very important business proposition involved in your business.—A. I presume Barker's answer was there when I came, and as he declined any trade with us, that settled the matter, and I do not know that we ever discussed the matter.

Q. Did you think that was a proper proposition for your firm to submit to a licensed trader?

The WITNESS. To permit us to stay?

Senator BLACKBURN. No; to buy the use of his license?

A. I do not think he meant to buy the license at all. I think he meant that Barker should be a partner if we did anything, or whether or not he might not become a partner with us, just the same as the Commissioner permitted Meeks to join Hays, and permitted me at the same time; that if Meeks and I could agree upon a fair basis he would permit me to join Meeks under his license.

Q. Who told you that?—A. Commissioner Atkins.

Q. Where?—A. At our place. He told Meeks so, and Meeks and I talked it over several times.

Q. Did he tell you or Meeks in your presence that Meeks might, without putting up any capital or furnishing any money, use his license against the capital of a trader?—A. Well, we had not got that far along. He did not tell me anything like that. Meeks and I never talked much about it.

Q. Don't you know that the Commissioner of Indian Affairs revoked Meeks's license for doing that very thing?—A. I do not know what he might have done afterwards. I heard that he revoked the license, but I do not know what it was for.

Q. You never heard that it was for that?—A. No, sir.

Q. You knew that he revoked the license?—A. I understand he had.

Q. Meeks did do that with somebody, didn't he?—A. Meeks made some arrangement with Hays by which Hays went on selling his goods under Meeks's license or joint license.

Q. And then Meeks's license was promptly revoked?—A. I do not know whether it was promptly revoked or not. He was there from in the fall until the next July; I know that.

Q. Who had been carrying on business for Hays there before?—A. T. Connell had the license as trader.

Q. That was under Commissioner Price's administration?—A. Yes, sir.

Q. Did he have any capital with which to do business there?—A. I never knew anything about Connell's business.

Q. Don't you know he did not have any?—A. I always understood that Hays furnished the capital, all the capital, but I do not know how much.

Q. Did you understand that Connell furnished any of the capital?—A. No; I suppose he did furnish some, but I do not know.

Q. Do you think it would have been proper for Barker to have accepted the proposition made by your firm to let you go on and do business under his (Barker's) license, he furnishing none of the capital and doing none of the work, but taking part of the profits in return for the use of his license?—A. I did not understand Hemphill to make a proposal. He simply said, "How would you like to take us in as partners?"

Q. Read on the next sentence of the letter.—A. "Or what salary or commission would you take and let us do business under your license?" What salary or commission.

Q. What would you understand that to mean?—A. He says, "My partner is not here."

Q. I know you were not there, but it is your partner making a proposition for your benefit as well as his. What would you understand that proposition to mean if you had been Barker?—A. I would presume those men were in a position where they would have to look for a way out, and if they could get out in that way, through me, easier than in any other way, they wanted to do it.

Q. I would have considered it in the same way. Would you not have understood that these men meant to pay him a royalty, so much for the use of his name and license, without his furnishing either labor or capital to the business?—A. I do not know that that would be necessary. We presumed that we could sell him a half interest in our business.

Q. You had tried that in another proposition before that?—A. I do not know of anything else; I presume that is what Hemphill meant.

Q. Very well, we will leave that for every one to draw his own deductions about?—A. That is right.

Q. Now then, your license expired when?—A. On May 8, 1885.

Q. And it was extended to the 1 of January?—A. Yes, sir.

Q. And then it was again extended until the 15th of February?—A. Yes, sir.

Q. So that you were allowed to trade, although after the expiration of your license, from May 8, 1885, to February 15 following?—A. It will be necessary for me to state that we had no notification that our license was not all right, until July or August, at which time I went to the Commissioner directly in person. He never had given us the slightest notice that we would be expected to leave or quit the Territory, and of course we had never thought of such a thing, and there-

fore we had made no preparation to close our business, but were buying goods to come thirty or sixty days after, to come until July or August.

Q. Then the 1st of July would be far enough, I reckon, if you had correspondence already from Washington warning you that you had better be attending to it before that, in the month of June. When did Barker get to the agency as a licensed trader there?—A. I do not remember; I think it was perhaps October or November.

Q. He was there in the month of June, according to your own testimony?—A. I thought you said as a trader. I never knew when his license took effect.

Q. You have already stated that whilst you were in Washington he was at Darlington?—A. Yes, sir; I believe so.

Q. Then your partner had notice that another trader was appointed?—A. We had notice that one trader had been appointed, and only one, until I went to Washington, and we still hoped we would have an opportunity of staying, although there had been one appointed.

By the CHAIRMAN:

Q. Which one was that, Barker or Meeks?—A. That was Barker. But I did not know, until the Commissioner told me himself, of there being two appointees; that was the first I knew of that.

By Senator BLACKBURN:

Q. Did your partner usually carry on the correspondence in your business?—A. Mr. Meeks may have been there previous to my return; I think he had been. But when I left there neither my partner nor I knew anything of any appointments being made; when I left in the middle of June.

By the CHAIRMAN:

Q. You could not have been any worse off if you had staid there than you were in going away, could you?—A. No, sir; I think not. We were willing to take our chances in staying, at least.

By Senator BLACKBURN:

Q. Would you take the stock of goods that either one of those traders have on hand now for 25 per cent. off?—A. Yes, sir; I will take any of their places if some one will furnish me the money, and go back there to trading. When he sold out, my partner gave 10 per cent. over cost and carriage for the business; that is what Reynolds got.

Q. Have you ever been engaged in merchandising?—A. Yes, sir; since I was twenty-five years of age.

Q. Had your partner been a merchant before?—A. Not since I have known him. He was the president of a bank for a long time.

Q. Was your stock of goods well selected for that trade there?—A. I think it was.

Q. Did you have a supply of coffins on hand?—A. Yes, sir

Q. Did you ever sell one?—A. Yes, sir; we sold on an average one a month as long as we were there.

Q. How long would it take you at that rate to sell out a carload of them?—A. I do not know how many come in a car; we had sixteen left when we came away from there, and I guess they are lying around there yet.

Q. You have some of your goods there yet in that establishment?—A. Yes, sir; there are some things there yet.

Q. Part of your stock of goods?—A. If you might call it so; some knock-down wheel-barrows ox-yokes, and chains, and a good many wooden things lying around, like wooden kegs and pails.

Q. Anything else?—A. Nothing that I think of now, except the coffins; I do not think of anything else.

By Senator CULLOM:

Q. You were making money up to the time this notice came to quit?—A. Yes, sir; we were.

Q. You know that to be so?—A. Yes, sir; our books will show it. I so understood it.

Q. What effect did the understanding that the Indians and everybody else had about there, that you had a notice to leave the agency and give up your tradership, have on your business?—A. It virtually closed our business, in a sense, so that we could make no sales in consequence, owing to the fact that when we found we had to go we quitted ordering groceries and notions called for frequently by the Indians, and it kept the Indians away from us, and we had no opportunities of making other sales, as they would go where those things could be had and buy their supplies there. The new traders of course got our trade at once, and our staying was only a question of time.

Q. The knowledge that the public had of the notification you received to give up your tradership immediately began to be felt in your operations there, did it not?—A. Yes, sir; immediately.

Q. And continued to grow worse and worse until you left there?—A. Yes, sir.

Q. You know all about your books and business operations; can you state to the committee what your actual losses have been as the result of your removal from that tradership?—A. I never was a book-keeper and do not make any pretense in that direction, but I will simply say that I know what money we put in and what money we brought out. I know that everything has gone and we have not anything left, and I know what we put in.

Q. And you know what you had when the notice came?—A. Yes, sir; I know what we had when the notice came of our tradership having been taken away.

Q. And that now you have nothing as the result of the changed condition of affairs?—A. Yes, sir; how it went and how it wasted away in so many ways was hardly possible to keep track of. Many things we did not move because they were not worth it. We would have had to pay freights on them, and they were more or less worn, and to freight them out at a great expense was what we thought a total loss, and we quit them right there.

By the CHAIRMAN:

Q. How much has it got you in debt?—A. Our indebtedness, as a whole, stands at $21,000.

By Senator CULLOM:

Q. Do you mean yet unpaid?—A. There has been nothing paid on the assignment. That of course will apply.

Q. What will be the indebtedness of the firm when all this stuff is exhausted?—A. If the buildings could have been sold and the property all sold (as it might have been, economically) I think it would have balanced by our losing our entire capital. Now it will cost more. It would have absorbed our capital stock, but it would have paid the debts, and the creditors would have lost nothing provided it had been sold at the time.

Q. But taking it as it is; your business there is closed out, your goods are gone or in the hands of an assignee. When those goods

are exhausted and applied on the indebtedness what will probably be the indebtedness of the firm?—A. The indebtedness will amount to $18,000 then.

Q. Do you mean still beyond?—A. Yes, sir; beyond our capital.

Q. After exhausting all you have put in and all you made during the time you were let alone?—A. Yes, sir; it will leave it at $18,000.

By the CHAIRMAN:

Q. In regard to your partner, did he put all that he had into this business?—A. Yes, sir; every dollar.

Q. So that he has suffered losses in other directions?—A. No, sir; he never lost a dollar in any other way.

By Senator CULLOM:

Q. These debts you speak of are all debts accruing from this business operation?—A. They were money loans that we had from time to time, thirty to sixty day loans from good banking-houses that we put into the business, and we renewed the notes every sixty or ninety days and used it as a loan in the business.

Q. You each beginning with $15,000 capital actual cash?—A. We put in $32,000 cash, and then we had about $21,000 borrowed capital besides our $32,000.

Q. So that you have lost the capital and owe these debts?—A. Yes, sir; that is the way it is.

By Senator BLACKBURN:

Q. Let me see about those figures a minute, and see whether you have not shown you lost money while in business there. You and your partner put in $32,000 dollars?—A. Yes, sir.

Q. Putting your buildings at $10,000?—A. Yes, sir; something over.

Q. You had them when you came away from there?—A. Yes, sir.

Q. Then you had $9,000 that you brought away, the stock of goods?—A. I do not know what they were worth.

Q. You put them at $9,000 in your examination-in-chief?—A. I estimated that they had cost us that.

Q. Well, let us see whether you made or lost money in business there. You put in $32,000 to start with?—A. Yes, sir.

Q. When you left there what did you have; your buildings, estimated at $10,000; $9,000 worth of goods brought away with you; $9,000 of debts due you left behind, which makes $28,000, and that is all you had?—A. Yes, sir.

Q. You started in with $32,000 and left with $28,000, and you lost $4,000, we will say?—A. Yes, sir.

Q. So that you lost just $25,000 while you were in business there?—A. Well, that is one way to put it.

By Senator CULLOM:

Q. Isn't it a matter of fact that by being removed from there you were forced to lose the debts practically, and lose the rest?

Senator BLACKBURN. I am not complaining of that. I want to show what he lost from the time he went into business until he closed.

By Senator BLACKBURN:

Q. You went in investing $32,000. Now, I will take your own figures, by which it appears that you lost $25,000 in business whilst you were there, not by being ordered out and not by losses on the goods since you come out. When you left there you had $9,000 worth of goods that you brought away with you. You also had $9,000 of debts due

you, making $18,000; your buildings we will put at $10,000, and that makes $28,000 when you left there to show for the$32,000 of cash capital put in, and you owed debts amounting to about $21,000?—A. Yes, sir.

Q. Then that left you just $25,000 worse off than the day you went into business, by clear loss in that business?—A. Would you like to have me tell you where the money was lost?

Q. Yes, sir; I would like to know.—A. From the day we were ordered to leave that Territory one thing stared us in the face: that was our debts. There were goods to balance that.

Q. You only had $9,000 worth of goods at the cost price?—A. You have the invoices there to show what we had.

The CHAIRMAN. You count against him the losses entailed by the revoking of his license.

Q. Did anybody make any money after the cattlemen were ordered off under the proclamation of the President?—A. We did not; I do not know about the others. We were going the other way. If nobody made any money I do not know why they wanted our places so much.

Q. Didn't they want your places before that proclamation was made?—A. Yes, sir; and just as badly afterwards.

Q. They did, not knowing what was to come. When did these new traders begin to do business there?—A. I think Doty & Hubbell moved out there early in October.

Q. Did not those new traders begin to do business there before the first of January?—A. Yes, sir. Mr. Barker was doing business there in the fall; I presume in October, and, may be, earlier. He was there as early as October. I do not know when he came there, but I venture to say it was in October or November. Mr. Barker would know himself.

Q. I want you to be careful about that. You are satisfied Barker was doing business there in the fall?—A. Well, maybe he did not get there in October. I am trying to think. My idea was that Doty & Hubbell moved out in the fall.

Q. Who began there first, Barker or Doty & Hubbell?—A. Doty & Hubbell were old traders. Barker put them out and took their place. It was during the fall or early winter, I will not say just when, for I never charged my memory with it.

Q. You have said that you suffered badly in the diminution of your business after the new traders began. If Barker did not begin doing any business there until winter, you could not have had a very long suffering, because you say you left there on the 15th of February.—A. You see Hays and Connell's license extends over until next spring, and they kept up their stock because they were going to remain.

Q. They had always kept it up against you?—A. But we did not; there was the difference.

By Senator CULLOM:

Q. You mean you did not keep it up after you received the notice to quit?—A. Yes, sir. We were quitting and they were not; that was the difference.

By the CHAIRMAN:

Q. I understand that at the time you sought to have your license renewed you had, by your statement there, what you swore was worth $55,151.09, including bills receivable.—A. Yes, sir.

Q. And did you think that was an honest, true statement at that time?—A. Yes, sir.

Q. And you think so now?—A. Yes, sir; I do.

Q. In that statement you estimate your buildings at $10,000, which cost you how much?—A. They cost us $13,000; that is what the expense bills will show. We estimated them low because we were making a statement we wished to stand to and verify in the proofs.

Q. And do you believe that if you could have been relicensed you would have gone on without serious loss?—A. Why, certainly. I do not see any reason why we would not. If we had been let alone we would have gone on reducing our stock in proportion to our trade and curtailing our force.

Q. And if you had been left there to sell out your stock, as you might at that point in the Territory, and collected up your debts and staid as long as was necessary for that purpose, what would have been the result?—A. We would have come out without loss, practically. We might not have retained our capital stock, but we certainly would have paid our debts and had capital left; how much is only a question. But we would have lost, perhaps, a few thousand dollars on account of shrinkage, on account of the business falling off.

By Senator CULLOM:

Q. You said a while ago that when this proclamation of the President ordering the cattlemen out was issued you did not make anything after that. That was after you had got notice to quit, though, was it not?—A. Yes, sir; we had our notice before that. I do not think the proclamation did affect us materially in that particular, because the cattlemen were there more or less or doing more or less trade.

Q. It was not the cattle proclamation that cut you off, then?—A. I will tell you what cut us off worse than anything. It was the Government's opening a commissary and turning out a store of goods to the Indians. That is what cut our business and every man's business, and that is what the traders to-day will tell you. It was the commissary store being opened and their issuing everything that the Indians required weekly, the same as we would sell at the store, only it was given to them, of course, at that time. But that state of affairs had not existed before.

By the CHAIRMAN:

Q. What did they do that for?—A. After the cattlemen had ceased to pay them, the Indians were on the point of starvation and something had to be done for them; they had to feed them.

By Senator BLACKBURN:

Q. Had the Commissioner of Indian Affairs anything to do with that?—A. I do not know about that.

Q. I understand you to say that you did not know anything about having to quit there, and had no information to the effect that your license was not to be renewed until you were in Washington?—A. Yes, sir; we still hoped for a long time after that.

Q. When was that?—A. I was there the 16th of July.

Q. Suppose the records of the country show that the President's proclamation ordering these cattlemen out of this reservation was issued in the month of April, then you never did get notice to quit, or to the effect that your license would not be extended, until after the cattlemen were ordered away?—A. It don't occur to me that the cattlemen went away at that time.

Q. It was a forty-day notice, was it not?—A. Yes, sir.

Q. They were allowed forty days from the 1st of June?—A. Yes, sir; I believe so. In June I went home, and knew nothing of the order, of course, until, perhaps, I returned from Washington.

Q. You were in Washington on the 16th of July?—A. Yes, sir.

Q. At that very time the cattlemen's limit had expired under that forty-day proclamation.—A. It expired in forty days.

Q. So that the order to send the cattlemen away could not have hurt you afterwards, because your license had already expired, although you had had no notice of refusal to reissue it?—A. The only way it hurt us was we were still ordering goods.

Q. How do you know this is a copy of an affidavit sent by you to Washington? I see no attestation to this thing.—A. It is simply a copy from the other copy. It is my partner's handwriting, and it was retained on the filing of the paper.

Q. This does not purport to be a copy. It says "Subscribed and sworn to before me this 17th day of June, 1885."—A. Well, the original can be had if it is necessary.

Q. I am making no objection to this, but I call your attention to something in it. I see you undertake to get an average as to the invoice of the value of your stock on hand.—A. That is what is asked for.

Q. You say in this paper, "Stock estimated from inventories taken June 1, 1883, January 1, 1884, July 10, 1884, and January 10, 1885." This purports to have been made out on the 17th of June, 1885, but there is no invoice statement at that time.—A. No, sir.

Q. Why not?—A. After I returned and we had so short a time to go we thought we would not invoice until we got ready to go.

Q. But this was on the 17th of June, and you were in Washington on the 16th of July, and all of these invoices had been taken?—A. It could not be made until I came home.

Q. But these invoices had been taken on the 1st of June, 1883, the 1st of January, 1884, July 10, 1884, and January 10, 1885.—A. Yes, sir; and we would have invoiced them that year as soon as I came home only for the fact that we thought we would be leaving soon and would invoice what we had then.

Q. You did not know that on the 16th of July, when you were in Washington?—A. No, sir; I went away on the 15th of June.

Q. Why was not the invoice taken then?—A. Because we postponed it until I got back. I did not get back as soon as I expected.

Q. On the 10th of January, 1885, your invoice shows $30,857.12 stock on hand. That is pretty nearly $31,000. On February 15, 1886, when you left there, you say that the goods you had on hand cost you—you could not sell them for that, but they cost you—$9,000?—A. That is my estimate of it; I did not invoice them.

Q. I am accepting your own figures. Now, then, within twelve months, that is from the 10th of January, 1885, to the 15th of February, 1886, when you left there, you had reduced, by sales I take it, your stock from $30,857.12 down to $9,000?—A. Yes, sir; that is about the way it was.

Q. You had sold out a good deal more than two-thirds of your stock in twelve months?—A. Yes, sir; if you would call it selling.

Q. I do not know what you did with it. You may have made a bonfire of it. What did you do with it?—A. We tried to sell it.

Q. In that twelve months you had reduced your stock from $30,000 to $9,000, and of that time it was all grace time except from the 10th of January up to the early part of the month of May. Your license ran out on the 8th of May, did it not?—A. Yes, sir; it expired at that time.

Q. On the 10th of January preceding you had about $30,000 of stock. The Commissioner of Indian Affairs gave you from the 8th of May until the 15th of the following February in which to reduce your stock from $31,000 to $9.000?—A. Yes, sir; but you take the idea that we had that

time to reduce it. But we kept increasing our stock from the 8th of May until July.

Q. I thought you said that the other fellows kept increasing theirs, but that you did not?—A. I admit that; but I say from May 8 until July, 1885, we never diminished our stock, because we had no knowledge that the license would not be forthcoming. That is what I said.

Q. That makes it worse. Then from the 10th of January, 1885, up to the 15th of February, 1886, you not only reduced your stock from $30,857.12 down to $9,000, but you sold all the additional goods that you had been buying from January 10 to July, when you found out you had to quit?—A. We sold goods at least; if not all of them, we sold some.

Q. Did you or not state in your examination that the three traders there had about the same amount of business?—A. I do not know about their business. I simply said they did an approximate amount of business; that I presumed they did nearly the amount of business we did. I do not presume they did quite the business we did, because, in the first place, their houses were not so large and we were best fitted to do business. The Commissioner told me, from conversation with Hubbell the day before; said he, "Hubbell tells me the same story you do;" and I put our annual sales from $65,000 to $75,000 or $85,000 for the three traders.

Q. You wrote a letter to Meeks, you or your partner, in which you told him you did the biggest business there?—A. Yes, sir; we did; I think that is correct, too.

By the CHAIRMAN:

Q. Let me ask you a question in regard to what Senator Blackburn calls your selling of these goods and the reducing of your stock. As a matter of fact, what was the process you adopted when you found out that you had to go?—A. When we found that we had to go we told our clerks that anything they could sell and realize 50 cents on the dollar for to let it go. We told them we must cut down that stock of goods; that it must go somewhere; that we could never think of boxing it all up and hauling it out into the States. We knew we could not sell it, as we had offered it to all the traders, and offered it to the military trader there at 50 cents on the dollar, our stock of goods as it stood, the whole business, to just invoice it and appraise it at its value. We were willing to take 50 cents on the dollar for it rather than to have any more bother with it. We made that offer to the military trader at Fort Reno, and he said he would not care to buy it.

Q. And so you sold it at whatever you could get?—A. We sold anything we could sell for almost any price we could get, because the goods were not such as would sell in any other market except about there. Anything we could dispose of we sold, whether it brought much or little.

By Senator BLACKBURN:

Q. You did not sell your buildings at what you could get for them?—A. No, sir; we wanted $5,000 for our entire stock of buildings.

Q. And you were offered $3,500?—A. But we would not take anything less than $5,000. They cost us $13,000, and if we could not sell them for $5,000 we proposed to let them stay right where they were. We had some feeling in the matter, and some pride also, that we would not be crushed out. If we had to do it again we would sell them.

Q. It would have been better to lease them at a $1,000 per year?—A. Well, providing everything was right. We did not know what would

happen if we leased them. To sell them we were willing, but to lease them we did not know what was to follow.

By the CHAIRMAN:

Q. What do you mean by that?—A. We did know whether we would have a right to go there and collect our rents in case they were denied.

By Senator BLACKBURN:

Q. Did you ever know a trader to be denied that right?—A. I have heard of one.

Q. Who was he?—A. I do not know. It was instanced to me at the time by Colonel Dyer, the Indian agent. He said he knew a building that the traders left and it was confiscated by the Department, and they never owned it afterwards.

Q. When was that?—A. I could not tell you. Colonel Dyer will tell it as he told it to me.

Q. When did he tell you that happened?—A. Some years previous.

Q. Not under this administration?—A. I presume not. How many years previous it was I do not know.

Q. Did not Mr. Barker offer to pay you that rent in advance?—A. I think Mr. Barker would have paid it in any way we asked it.

Q. Did he offer to pay it in advance?—A. I think he did. Mr. Barker's proposition was made like this: That he would pay us $1,000 down, and he wanted an option for the buildings at $5,000; giving him that option, if at any time during the year he was there he wanted them that he would take them at that amount and withhold the amount that he had advanced. That was the proposition he made to us.

By the CHAIRMAN:

Q. I want to ask you a few questions in regard to this system of appointing Indian traders. As I understand it, it is claimed that the whole business of licensing Indian traders is now in the hands of the Commissioner of Indian Affairs; that licenses are granted for one year, that is to say, they must be renewed at the end of one year, and that any trader may be cut off at the end of any year and forced to remove his goods from the Territory. Do you think that is a good system under which to do business?—A. I do not. I do not believe there was ever any intent on the part of any body of men to make such a law. Whether it is the law or not I do not know, but it cannot be possible that it was the intent of, at least, business men to make such a law.

Q. If that is the law how would you suggest that it could be improved? What better system for Indian traders could be devised than that?—A. What we desire is that the law shall require that our property shall be appraised at its true valuation, what it is actually worth, more or less, and compel the men who take our places, in case we are removed without cause, to take it at its valuation, or else not let them trade, so long as we are fit men to remain; that they should not be allowed to take our places unless they are willing to take our property at such valuation.

Q. Do you mean to include in that the buildings and the stock?—A. Yes, sir; I mean to include both buildings and stock, especially the buildings, because they are immovable property.

Q. I suppose the valuation should be determined by appraisers, selected one by each party?—A. Yes, sir; or by the Department, to be appointed by the Commissioner. I told the Commissioner he might appoint the appraisers and we would submit to it.

By Senator CULLOM:

Q. You suggested that to him, did you?—A. Yes, sir; I did when he was there.

By the CHAIRMAN:

Q. Would it be any improvement upon the system if the trader's license was for a longer time, say for five years; that the trader should receive a license for five years which could not be revoked except for cause?—A. That would not make it any better. We do not care particularly in regard to the length of time for which a license is given. Of course it is some trouble to renew the license, but we are perfectly satisfied with that, for we could be removed at any time for cause, whether the license was for one year or five years. If there was cause for our removal we could be removed instantly without reference to that.

Q. Would you be any better off if assured of a license for five years, during good behavior?—A. Yes, sir; I think that would be an improvement at least, because then we should be looking more directly to a fixed time when we might have trouble in getting a renewal, as it would be for a longer time.

Q. What is the necessity, really, for the appointment of any Indian traders?—A. They are essential, so long as they are under bond to keep the peace and trade in a proper and justifiable manner, and are responsible to the Indian agent; are under his jurisdiction and deal fairly with the Indians. Otherwise, the Indians can be robbed and wronged very readily.

By Senator CULLOM:

Q. Why are they essential? - A. In order that the Indians may not be dealt with unfairly in making their purchases.

By the CHAIRMAN:

Q. Is it necessary there should be traders there to trade with the Indians?—A. It is essential to have traders, unless the Government maintains a commissary store. I do not see how the Indians could get along without them.

By Senator CULLOM:

Q. The object in view, then, is to take care of the Indians and see that they do not starve?—A. Yes, sir. The trader has to trust the Indians and carry them along from time to time; help them along; and while you have an opportunity to sell them goods at fair prices you can compensate yourself at the same time for doing it. That is about all there is to it.

By the CHAIRMAN:

Q. And you think the whole matter could be remedied, provided there was a system of appraisal of the goods of the trader who goes out and a requirement that the new trader who comes in must take them off his hands upon such appraisal?—A. Yes, sir; that would be a very just and fair way of dealing with the matter, I think. I know it would have relieved us remarkably. Of course we would want the appraisals made when the license was first cut off, while we had the stock, and before we had squandered the greater part of it or let it run down or given it away.

TESTIMONY OF F. M. MOORE.

F. M. MOORE, having been duly sworn, was interrogated as follows:

By the CHAIRMAN:

Question. What is your business?—Answer. I am a kind of a jobber; I do anything I can get to do, such as farming, gunsmithing, or anything of that kind.

Q. Have you spent any time recently at the Sac and Fox Agency?—A. I have lived there pretty nearly two years.

Q. When did you first go there?—A. Last November two years ago.

Q. Was Mr. Little trading there then?—A. Yes, sir; he was.

Q. Do you remember when Mr. Little left there?—A. Yes, sir.

Q. You remember the time?—A. I do not recollect the date.

Q. But you remember the fact?—A. Yes, sir.

Q. Do you know Mr. John Eddy?—A. Yes, sir; I know him when I see him. He has only one arm.

Q. How much was he there at that agency before Mr. Little left there?—A. I do not think he was there only a very short time. I think he was just on a visit of probably ten days or two weeks; I do not think he was there longer than two weeks, anyway.

Q. He was not there trading in person?—A. No, sir; I have been in the store often and I never saw him trading with anybody.

Q. You remember he did come there at one time?—A. Yes, sir.

Q. How long should you think that was before Mr. Little left?—A. I could not say; I do not recollect.

Q. Was it a considerable time before?—A. Oh, yes, sir; it must have been along in the summer some time; I do not recollect now when.

Q. And that is the only time you ever saw him at the agency?—A. Yes, sir; that is the only time I ever saw him there. I had a talk with him while he was there; I did some work for him.

Q. After that time who carried on the business there, apparently?—A. Whistler, Pickett & Co.

Q. Did you observe any change in the way they did business until Mr. Shaw took possession?—A. No, sir. The goods were moved by Shaw. The store was kept by Leon Whistler as principal. It was still kept by Whistler, Pickett & Co. for a good while, but after Eddy left why then Shaw took the goods. Shaw's father-in-law had an interest, or at least we always considered that he had an interest in it, in its dealings. Whether the books showed an interest or not I do not know. But I had considerable dealing with both of them, and I know he would go to the store and help himself out of the store.

Q. What is the name of Mr. Shaw's father-in-law?—A. Gibbs.

Q. Where do you live now?—A. On the north fork of the river, of the Canadian.

Q. Where is the store that you go to now?—A. I go to Scott's when I have to go. I never buy hardly anything there because I cannot buy it at a reasonable price, and I have to come here.

Q. I wanted to come to just that matter. Is there a feeling there that Scott is overcharging?—A. Oh, my. If he is not overcharging nobody ever did.

Q. Have you bought things there yourself?—A. Yes, sir.

Q. Can you give us any specimen prices?—A. I have got a bill at home that I made with him, but I havn't got it with me.

Q. You were not summoned here from the Territory?—A. No, sir.

Q. We found you up here; you happened to be here?—A. Yes, sir; I happened to be here.

Q. You told me about buying some screws?—A. Yes, sir.

Q. You have some of them in your pocket, have you not?—A. Yes, sir.

Q. It is a little matter, but just show us what the screws are.—A. (Producing a handful of screws.) I went there to buy some of these, and he asked me 10 cents a dozen for them and would not take any less. Consequently I would not buy them; and when I was up here I bought some. You can buy a whole gross here for 15 cents.

Q. Of course this particular matter is unimportant, but what is the general understanding down there, that he is charging extortionate prices or not?—A. The people as a general thing about me (and I live in the densest-settled part of the country) complain terribly, but they cannot help themselves. They are not able to go off at any distance; they haven't money enough to come here or go to a railroad where they can get things cheaper.

Q. You have had some experience in trading about these agencies?—A. Yes, sir; a little.

Q. Do you think Scott is charging more than other traders are accustomed to charge?—A. When Mr. Little used to sell goods there I could buy my goods mostly of him, for I always got them at a fair price.

Q. Compared with what other traders charged for their goods, you think Scott is charging an extravagant price?—A. Why, he is higher than any man I know of; I don't know of any one who charges more. I have told him so several times. When a man is trying to swindle me I am not afraid to tell him of it.

By Senator BLACKBURN:

Q. Where is this place where Scott is trading?—A. At Shawneetown, about 160 miles from here.

Q. How far is he from the railroad?—A. About 35 miles from this railroad.

Q. Don't you know these traders are required not to exceed certain rates for their goods?—A. Yes, sir; but they don't do it.

Q. Then why don't you gentlemen write to the Department and tell them about them?—A. I have pointed out the articles. I had a copy of the law as regards that, and I took it to him one day and pointed it out to him.

Q. You mean you took it to Scott?—A. Yes, sir.

Q. Did you ever tell the agent about it?—A. No, sir.

Q. Why did you not tell him about it?—A. Because it seemed like I was meddling with something that didn't belong to me.

Q, Why, he is evidently violating a law of the land, a regulation of the Department, and you should feel it to be your duty to report the fact to the agent. Do you know whether anybody has reported it to the agent?—A. I do not think anybody has. They growl among themselves, but I don't think anybody has reported it.

Q. Well, they ought to report it.—A. But I tell you when it was understood down there that this committee was to come out into this country to kind of straighten things up, it lifted quite a gloom from the community.

Q. What do you think of Indian traders as a class; do they generally trade fairly?—A. I have found some that did, and I have found some that didn't.

By the CHAIRMAN:

Q. Is this at the agency?—A. It is at Shawneetown, 30 miles from the agency.

Q. And of course not under the immediate eye of the agent all the while?—A. No, sir.

TESTIMONY OF JOSEPH H. SHERBURNE.

JOSEPH H. SHERBURNE, having been duly sworn, was interrogated as follows:

By the CHAIRMAN:

Question. Of what State are you a native?—Answer. The State of Maine.

Q. You have been an Indian trader?—A. Yes, sir.

Q. For how long, and at what place?—A. A little over seven years; at Ponca, Ind. T.

Q. Were you there in the Territory before you became a trader?—A. No, sir.

Q. You have become familiar with the Indian language?—A. Yes, sir; I speak it some.

Q. Were there ever any charges preferred against you in regard to your dealings with the Indians while you were a trader, that you know of?—A. No, sir; not that I am aware of.

Q. When did your last license expire?—A. I think it expired on the 23d of September, 1885.

Q. Did you make application for a new one?—A. Yes, sir.

Q. It was at the Ponca Agency?—A. Yes, sir.

Q. Well, what did you do? Just go on and state about it.—A. I made an effort for a renewal of the license, but I heard nothing from it until after the license had expired. I did not even get permission to continue for the time being or orders to close up until some days afterwards.

Q. When did you make your application for a renewal of your license; how long before its expiration?—A. I cannot say; some little time before.

Q. You made your application for this renewal in the way you had usually done it?—A. Yes, sir.

Q. Did you furnish bonds?—A. No, sir; I did not; that is true. I had doubt, in fact I had been told, that my license would not be renewed. I had been visited by a man who was expecting to be licensed, who said that he had it, the promise of a license, at that place, and also a promise that mine should not be continued; and of course in the face and eyes of that I was satisfied I would not get it. In fact I did not expect to get it after he had said what he did.

Q. Who was this man you speak of?—A. It was Mr. W. J. Hodges.

Q. But you got no answer to your application for a renewal before the expiration of your license?—A. No, sir; none from the Department, directly or indirectly.

Q. What did you do when your license expired?—A. I closed the store and locked the door.

Q. Did you get any word from the Department after that?—A. Yes, sir. I think the agent in a day or two got word to allow my store to remain open until further orders, or something to that effect; I do not remember what it was exactly.

Q. Then you opened your store again?—A. I opened it again and kept it open for two or three days, until I got a little notice from the agent, which I will read to you if you like.

The CHAIRMAN. You may do so.

The witness read as follows:

UNITED STATES INDIAN SERVICE,
PONCA, PAWNEE, AND OTOE AGENCY, I. T.,
October 7, 1885.

Mr. J. H. SHERBURNE,
Trader, Ponca Agency:

DEAR SIR: I have this day received from the Department of the Interior the following communication:

[Copy.]

"E. C. OSBORNE, Esq.,
"*U. S. Ind. Agt., Ponca, Pawnee, and Otoe Agency, I. T.:*

"DEAR SIR: Immediately upon receipt of this letter you are directed to notify Mr. J. H. Sherburne, the trader at Ponca Agency, that his application for renewal of license has been considered, and it has been decided by this office to allow him until the 1st of February next to close up his business, at which time he must, without further delay, be ready to remove himself and effects from the reservation.

"Respectfully,

"J. D. C. ATKINS,
"*Commissioner.*"

Yours, respectfully,

E. C. OSBORNE,
U. S. Ind. Agt,
By H. L. DOUGLASS,
Act. U. S. Ind. Agt.

By the CHAIRMAN:

Q. That letter gives no reason for your removal. Was any reason given to you by the agent why you were removed?—A. No, sir; never.

Q. Do you know whether there were any charges filed against you at all?—A. I do not think there were; none to my knowledge.

Q. Do you know when Mr. Hodges was licensed, if he was licensed?—A. I cannot say when it was.

Q. You stated that Mr. Hodges had been there and said he was going to have a license.—A. Yes, sir; he said he had one in the first place. He came to my house one morning; I was sick that day.

Q. What time, with reference to the expiration of your license, was that?—A. I think that was possibly in June, or it may have been the latter part of May, and my license did not expire until fall—until September.

Q. Proceed; he came to your house in May or June?—A. Yes, sir; and he came to me to say that he had a license there and had come to see what arrangements he could make with me, so he stated. We talked a long while, and I finally asked him if he had his license with him. He said no, he had not got it, and finally said he had not received it yet; that it had not been issued, but that he had been assured he would have it as soon as he would file his bond; that as soon as his bond was filed he would have it, but he had not got it yet.

Q. Did he want to make any arrangement with you then to buy you out?—A. Yes, sir.

Q. Did you enter into any negotiations with him at that time?—A. No, sir; not at that time. I told him to go ahead and get his license and then come and see me, and we would probably make terms which would be satisfactory.

Q. Did he come then, afterwards?—A. Yes, sir.

Q. Do you know that he had a license?—A. I never saw it, but I have reason to believe that he had one. He went into business there for about a year.

Q. What did he say when he came?—A. He wanted to buy me out, or said he would like to do so.

Q. What did he say about the terms being high?—A. Really I do not remember the exact conversation, but the substance of it was that he wanted to buy me out, and he wanted to do so at once; that is, he wanted me to vacate at once. At that time it would have been nearly impossible for me to do so, and I told him so and showed him why it was; that I had a good deal out on the books against the Indians, and those Indians unfortunately get scarcely any annuities, and a man trading there has to carry them from year to year and trade as you would in a country town, depending on the crop and whatever they can earn outside of any money that the Government pays them, with the small exception of about $2,500 a year. I had some $5,000 or $6,000 due on the books, scattered among the Indians, and I had a stock at that time of $4,000 or $5,000 and improvements. He wanted me to leave at once. I told him I was willing to sell to him, but could not sell without having some way to collect in these accounts, for as soon as I would sell out it would be harder to collect them than it was before, especially among the Indians, because you do not live there and cannot get there if they do not have any particular time to get their money. However, we disagreed on that point. I could not sell to him and turn over my store at once.

Q. Did he attempt to put any pressure on you in regard to it?—A. He told me I could not stay there after my license had expired; that I never would get another license any way, he had been assured of that, and that I had better take advantage of what I could get and do the best I could. I told him that under those circumstances I did not care to sell. I told him if I had to lose it I would only lose my buildings and improvements, and I would take my chances on collecting what I could, and to lose them would not be any more than to sell to him and leave at once.

Q. Was this before you were notified by the Department that your license would not be renewed?—A. Yes, sir; it was before. My first notification from the Department was on the 7th of October.

Q. So that it was before you were notified by the Department that he appeared with a license?—A. Yes, sir; when he first came he had no license.

Q. When he came the second time did he have a license?—A. I never saw his license, but I suppose he had one.

Q. Had you been notified by the Department at that time?—A. No, sir.

Q. Did he say anything about his influence with the Department?—A. Yes, sir; he did.

Q. What did he say?—A. I do not remember the words that he used, but he gave me to understand that he had his license and could keep it, and had been assured of the fact that I would not have my license renewed and could not get a renewal, and that he had been assured of that fact in both cases.

Q. What did you do when you were notified to quit—that you must leave by February 1?—A. I commenced invoicing my goods and packing them up, and did so in compliance with the order as soon as possible.

Q. Did you get away before the 1st of February?—A. No, sir; it was impossible to get moved promptly at the time. I tore down the dwelling-house and moved it from there here.

Q. How far is that from here?—A. Thirty-five miles.

Q. By a dirt road or a railroad?—A. There is a railroad now.

Q. At that time, though, everything had to be brought here by teams?—A. Yes, sir.

Q. What was the result, as far as you were concerned, financially?—A. The result was that it would have been better if I had burned the buildings all down, so far as they were concerned. I had a very decent house and plenty of improvements for the business I was in. They had cost me $3,500, and I moved the house, but it cost me fully as much to have it rebuilt as to build one like it when I got it here. At that time I did not think I would get a renewal of my license, and I had been trading my goods off for corn at a high price, thinking the corn would be better property than goods, as those goods are not valuable property anywhere else than at an Indian agency, and I had about 7,000 bushels of corn piled up in cribs there at the time I left, and I had considerable in accounts against the Indians, I should say at that time about $3,500—$3,000 to $3,500.

By Senator BLACKBURN:

Q. That was in February?—A. Yes, sir.

By the CHAIRMAN:

Q. What do you estimate the net result was in your being compelled to quit and move away from the Territory?—A. It was a loss of between $7,000 and $8,000. On the 1st of February I invoiced my stock of goods and had reduced them so that I had on hand only about $1,500 worth of goods. I brought them here to town and stored them in a basement, and kept them from five to six months, and many of them got damp and were in a bad shape, and I traded those off for a piece of land. The day after I traded a gentleman told him he had offered the land before for $500, and I took the land subject to a $250 mortgage to get rid of my goods.

Q. So that it stood in about $250?—A. Yes, sir.

Q. You brought your corn up also?—A. No, sir; but I was very fortunate in that also. I do not know that anybody deserves any credit for it, however. The corn I left there had been there from the time I left until during the winter; they began building this new railroad through here, and it made a demand for the corn to feed the teams working on the road, and I hunted up the contractor and sold him the corn, so that I lost nothing except what was pilfered and stolen during my absence.

Q. How about your accounts?—A. I have collected a great many of those too. I still have some out there, but probably less than anybody else.

Q. Then you got off pretty well?—A. Yes, sir.

By Senator CULLOM:

Q. It did not break you up.—A. No, sir. If I had had everything in the trader's business I think it would, because at that time it tied up every bit of working capital I had. You might say I could not do any business from the first time Mr. Hodges visited me in May, or about the time he came there and commenced business, which was possibly in June or July. From about that time until now I have never got a cent out of anything except corn, and what few collections I have made.

Q. You happened to be fortunate enough to have some capital so that you could turn around without relying on that?—A. Yes, sir; otherwise it would have used me up.

By the CHAIRMAN:

Q. What did Mr. Hodges do?—A. Mr. Hodges is somewhere here in town and I guess he can speak for himself. I do not know anything about him except what I have stated.

Q. You know whether he went into business there or not?—A. Yes, sir; he went into business there, but I do not think he was successful.

Q. Did he buy any one out?—A. No, sir; he took lumber there, put up a store, and put in a new stock of goods that he took there.

Q. How long did he stay?—A. I think he stayed about twelve months.

Q. By whom was he succeeded, so far as you know?—A. By John H. Halley, of Newton, Ill.

Q. Do they call him Judge Halley?—A. Yes, sir.

Q. Do you know whether he is a judge still?—A. I think he is; he told me he had to go back there to hold his court.

Q. Did Judge Halley come to you at all?—A. Yes, sir.

Q. What did he want?—A. Well, Judge Halley wanted me to go back there and take charge of that store for him, but I did not write anything down and I cannot tell you the exact terms now that he made to me. However, we talked a good deal about it. I did not want to go, but he seemed to be anxious to have me go back in some way. He wanted me to furnish the capital and he would furnish the license, but I am not sure that I have got anything from which I could tell you the exact trade that he proposed; however, that was the substance of it.

Q. What did he say about his own means?—A. I finally told Judge Halley—I think I made him this proposition at one time as near as I remember it; I told him I never would put a cent in any more improvements at or about an agency, but that if he would buy the improvements at that time I would go back there and run that store for him; that I would buy the goods and furnish the capital, outside of the improvements, and I was to give him so much a month, it seems to me it was $900 a year, out of the profits, and he was to give me the balance for the business. I am not positive about the amounts; perhaps the Judge can remember those himself.

Q. That involved his buying the store?—A. Well, there was a condition about that. If he held the license and I ran this business for a certain length of time, I was to stand a proportion if there should be any new buildings put up. But if the business did not run that long I had nothing whatever to do with the improvements.

Q. What did he say about his means?—A. Well, he frankly told me that he had no means. He said he had a home there, and that was all the money that he had.

Q. Do I understand you that he wanted you to take his license, that that was one of his propositions, and go down there and go into the business and allow him something for the use of his license without his putting in any of the capital?—A. Yes, sir; that is, he was to own the improvements, the buildings, understand.

Q. Is Judge Halley down there now, as you understand?—A. He was here in town on Sunday.

Q. Do you know whether he is carrying on business at the agency?—A. Yes, sir.

Q. Is he there himself?—A. Yes, sir.

Q. All the time?—A. Always when I have been there, except he has been in Illinois attending to his court there, holding court there. He told me so himself.

Q. When he first went down there did he stay himself and take charge of the business?—A. No, sir.

Q. Who did?—A. Charles Hodges, the son of W. J. Hodges, the man who succeeded me.

Q. You have been seven years in the Indian tradership business; what do you think about this system of having licenses renewable every

year, and the trader under continual probability or possibility of being cut off at the end of the year and succeeded by somebody else; what do you think of the system?—A. I think it is all wrong.

Q. Can you suggest any way of improving it?—A. If I were going to make any suggestion I would suggest that the license be issued for not less than three years, or on good behavior, with no removal except for cause. A man does not get acquainted with the business in a short time. If he goes into the Indian country to do business with the Indians, and intends to do business himself, he doesn't know how to do business with them until he has been there a year or so. It is a peculiar business, and it requires experience.

Q. Does it require a peculiar knowledge of the Indian and an adaptation to him to make it a successful business?—A. I think that has a great deal to do with it.

Q. Do you think there ought to be any plan adopted for the appraisal of the trader's goods, in some way, to be taken by another trader who takes his place?—A. I do.

Q. At some figure?—A. Yes, sir; at whatever they are worth. If they cannot agree, let some third party make the appraisement, for a man is at the mercy of another as regards his goods, improvements, and everything else, as has been shown here to-day, and the stock is worth something to the incoming man, no matter who he is. The stock which is there is generally a pretty good stock for the place, and is certainly worth more to the man who wants it and is to have the place than to any other man anywhere. For that reason I think there should be some such plan adopted in all cases.

By Senator BLACKBURN:

Q. How long did you continue to do business there after Hodges was licensed as a trader?—A. I do not know the exact date of his license. I would say in June, perhaps.

Q. You continued to do business there from June until the 1st of February?—A. Yes, sir; my license did not expire until September 23.

Q. And it was extended then until February?—A. Yes, sir.

Q. Were you the only trader there?—A. Yes, sir.

Q. There is only one trader there now, I understand?—A. Yes, sir.

Q. In attempting to negotiate for the purchase of your property there did Hodges offer to take it at its appraised value?—A. No, sir.

Q. He did not propose to you that he should select a man and you select one to make an appraisal?—A. No, sir; there was no conversation of that kind. I do not think we ever got that far along.

Q. Was there any issue between you as to price, or was it because the outstanding debts you had you did not want to leave behind you?—A. That was all. We never got to the point for me to make a proposition to him, or for him to make a proposition to me.

Q. Did you have any cattle on that reservation?—A. Yes, sir.

Q. Was that not in violation of the regulations of the Department?—A. No, sir; not that I was aware of.

Q. Was not that the trouble a good many were in, because the Department had issued an order that no trader should have cattle on the reservation?—A. No, sir; there was no order issued to that effect that I know of. I had a lease with those Indians of those lands.

Senator BLACKBURN. There was such an order, but you did not know it.

The WITNESS. Was it not after this time?

By the CHAIRMAN:

Q. Was your lease approved?—A. It was approved as all other leases are approved.

By Senator CULLOM:

Q. It was assented to?—A. Yes, sir.

By the CHAIRMAN:

Q. Was it approved at Washington?—A. There has not been any lease approved, I understand, by any officer at Washington, but we were all allowed to do so with their knowledge.

By Senator CULLOM:

Q. Unless the Department found it was not fair to the Indians?—A. Yes, sir.

By the CHAIRMAN:

Q. The Pawnees are leasing lands now, are they not?—A. Yes, sir.

By Senator BLACKBURN:

Q. But not to Indian traders. This was in 1885, was it not?—A. Yes, sir.

Q. Did you know that in the regulations published for 1884 it was expressly provided that no Indian trader should have any such lease from the Indians or have any such cattle on the reservation?—A. I made my lease with the Indians in 1883, though; to answer your question, I did not know it.

Q. How long did your lease in 1883 run?—A. For about five years.

Q. It ran out in 1888?—A. Yes, sir.

Senator BLACKBURN. It is a fact that the regulations published for the year 1884 prohibit traders from having these leases or having cattle on the reservation.

The WITNESS. Well, I made my lease in 1883.

Q. And you did have cattle on the reservation at this time, in 1885?—A. I had cattle up until last fall.

By the CHAIRMAN:

Q. Have you ever been notified in any way that there was any trouble or complaint about it, or that it was against the regulations?—A. No, sir; there was never any complaint against me by the Indians; we always got along nicely.

Q. Did the agent or anybody else tell you it was contrary to the regulations?—A. No, sir; there has not been anything said about it at all.

By Senator CULLOM:

Q. By the Government agent or anybody else?—A. No, sir.

By Senator BLACKBURN:

Q. Who was the agent at that time, in 1885, when your license expired?—A. Agent Osborne, the present agent.

By the CHAIRMAN:

Q. How much trade was there at the Ponca Agency?—A. The trade varied. It is really a small post and there is but little trade excepting as you make it. But during the first five years the trade was good there. They were building the agency that had just been moved there, and making all the improvements belonging to the houses and Government buildings, school-houses, &c.

Q. How much did it amount to a year?—A. It amounted during those years probably from $35,000 to $50,000.

By Senator BLACKBURN:

Q. That was the amount of the trade?—A. Yes, sir.

By the CHAIRMAN:

Q. Take, now, the time you left; how much was the amount of the trade there?—A. I cannot say exactly. From the time Mr. Hodges came there until I left I had but little trade, as it was understood I was to leave, and instead of buying more goods I was trying to get rid of what I did have. Consequently I did have but little trade. That includes the last year of my license, so that it would not be very small. I would say I sold about $15,000 worth the last year, and half of the year Hodges was there.

By Senator CULLOM:

Q. The license was out?—A. No, sir; the license was not out, but I did not dare to buy other goods. I was getting rid of my stock and getting what I could for it.

By the CHAIRMAN:

Q. What do you think the trade is there now?—A. I think it is very small.

Q. What has diminished it?—A. I do not think it has been carried on as it should have been. I think the same trade is there if properly taken care of as then. It comes here now, and goes to the Otoe Agency, 8 miles below, the most of it. I used to get some little trade from across the river from the Osages.

TESTIMONY OF W. J. HODGES.

W. J. HODGES, having been duly sworn, was interrogated as follows:

By the CHAIRMAN:

Question. You were a trader licensed at the Ponca Agency to succeed Mr. Sherburne?—Answer. Yes, sir.

Q. When did you commence trade there?—A. I opened there to trade about the 4th of July, 1885.

Q. Where were you from?—A. From Winfield, Kans.

Q. And you continued to trade until what time?—A. It was some time in August when I moved out; yes, September, I think it was. I had no trade to amount to anything for three months before that, to take any goods there—I mean from August and September of the next year. My license ran from the 28th of April, 1885.

Q. Was your license revoked?—A. Yes, sir.

Q. When was it revoked?—A. I got word somewhere about the time that it expired; I don't recollect just the date. The agent notified me. It was not revoked, but the agent informed me that it was not renewed.

Q. That would have been about the 28th of April, 1886, then?—A. Yes; and they said I could stay there thirty days.

Q. Who succeeded you?—A. Mr. John Halley.

Q. Of what place?—A. Of Newton, Ill., I believe he claimed to be from, but I remained there, understand, a little while longer.

Q. How long did you remain?—A. Mr. Halley did not take possession there until August or September; I do not recollect the date exactly now.

Q. Under what arrangement between you and Judge Halley, who had the license, did you remain there from April until September, or from May to September?—A. I did not have any arrangement with Judge Halley. The agent there gave me permission to remain there until the new trader was appointed, to settle my business.

Q. Have you sold your stock to Judge Halley?—A. Yes, sir.

Q. And you left?—A. Yes, sir. I say I did not make any arrangement with Judge Halley, but I did make an arrangement with him when he came down there and made an arrangement with me, about a month or six weeks before I went away.

Q. What was that arrangement?—A. He went away and said that he would take the goods, and that he would be back, and for me to keep on and keep the stock of goods up until he came back; that he had to go back to Illinois to attend court, and to keep up the stock of goods until he came back (that he would be gone three weeks), although I was not permitted by the agent to bring in any more goods.

Q. So that you did not bring in any more goods?—A. No, sir; I went and asked him, and he told me I could not bring in any more goods.

Q. You went on trading in your own name?—A. Yes, sir.

Q. That was by arrangement with Judge Halley, was it not?—A. No, sir.

Q. Was there any extension of your license by the Department?—A. Well, I took it as that. I did not get word from the Department myself, but the agent down there told me he had got word from the Department to permit me to remain there; that I could not bring in more goods, but I could go on selling until further notice; that I must not bring in anything more.

Q. You sold out to Judge Halley?—A. Yes, sir.

Q. What was the bargain between you and Judge Halley when you sold out?—A. I sold him my buildings there. Do you want to know the price?

Q. Yes.—A. I sold them to him for $1,000, and I sold my goods at the invoice price; that is, I asked cost for them, and I was to take a note running twelve months at 6 per cent. interest.

Q. He paid you no cash?—A. No, sir.

Q. Was that the basis on which the transfer was made?—A. Yes, sir.

Q. Do you know why your license was not renewed; did you make application for its renewal?—A. Yes, sir; I did.

Q. What was the trouble about it?—A. I had cattle in the Territory; that was the only trouble that I know of; that is, they claimed that. The Commissioner of Indian Affairs said that he would renew my license provided I would get my cattle out of the Territory. That was the word that was brought me by my attorney that I sent there.

Q. Did you understand it was against the rules and regulations to have cattle there?—A. No, sir; I had an interest there before I applied for a license, and other traders had cattle there.

Q. What were those regulations of the Department communicated to the traders?—A. I could not say that.

Q. You go down to the agency, do you not; were they not posted up at the agency?—A. I am right at the agency.

Q. I mean in the Indian agent's office?—A. I am there frequently.

Q. Don't you think there was a notice of that kind posted up there?—A. There might have been, but I do not think there was anything of the kind.

Q. Major Osborne was the agent?—A. Yes, sir.
Q. Who was agent before him?—A. Major Scott.
Q. Major Osborne has been agent all this while?—A. Major Scott was the agent when I first moved down there.
Q. Have not either of the Indian agents communicated to you the fact that it was against orders for you to have cattle in the Territory?—A. No, sir.
Q. You had the cattle in the Territory when you applied for a license?—A. Yes, sir; that is, in the Indian Territory; I did not in the Ponca Reservation, but on the Nez Percé Reservation, and that was under his jurisdiction.
Q. And you had rather give up your tradership than your cattle?—A. It was almost impossible for me to get rid of my cattle at that time; it was financial suicide, and I was placed in a position where I had to do one or the other thing, and so I resigned and thought I would hold on to the cattle. In fact I could not get a buyer for the cattle at present that I know of; that is, at a reasonable price.

By Senator CULLOM:

Q. You did not have a very large stock of goods, did you?—A. No, sir; I did not; I did not think it was required there.
Q. How did you come out; whole?—A. I came out at the little end of the horn, like some of the rest of them.

By the CHAIRMAN:

Q. Through whom did you get your license; through whom did you make application?—A. Through J. Wade McDonald, of Winfield, Kans.; I made application through him.
Q. Is he an attorney?—A. Yes, sir.
Q. Did you pay him for getting your license?—A. Yes, sir; that is, I paid his expenses.
Q. And something for his services, I suppose?—A. No, sir; he never charged me anything for the service, but I paid him pretty well; that is, I thought he spent considerable, yet I could not say that he did.
Q. He went to Washington?—A. I presume so; he said that he did.
Q. Did you ever hear that before you could get your license your attorney had to get the name of Mr. Jones off from Mr. Sherburne's application?—A. No, sir; I got a number of names on that application.
Q. No; the way I am putting it now is, did you ever hear that there was on Mr. Sherburne's application as an indorser the name of Mr. Jones, of Kansas, and that you could not be appointed until Mr. Jones's name was withdrawn from Mr. Sherburne's application?—A. No, sir.

By Senator BLACKBURN:

Q. Let me ask you in regard to that trade that you had with Judge Halley. You sold him your goods, you say, your buildings for $1,000 and the goods to be taken at their invoice valuation, for which you took a note at twelve months with interest at 6 per cent?—A. Yes, sir; either 6 or 7 per cent.
Q. Did you have any security for that debt?—A. Yes, sir.
Q. Satisfactory to you?—A. Yes, sir; it had to be. I wanted to get out though, and I sold him the buildings for half they cost me.
Q. Where do these Ponca Indians get their money from; have they annuities paid them in money?—A. Yes, sir.
Q. Had they been getting money from the leases that they made upon their lands to the cattlemen?—A. Yes, sir.

Q. Were you there as a trader when that order of the President's went into effect under which these cattlemen had to give up their leases and leave the Territory?—A. I did not understand there was an order for those on the reservation to give up their cattle; it was only on the Cheyenne and Arapaho Agency.

Q. It did not extend to the Ponca Agency?—A. No, sir.

Q. What took place between you and Sherburne with reference to your buying him out, his stock of goods or improvements there? Didn't you try to negotiate with him?--A. Well, yes, sir; I will briefly state about that. When I got my appointment, before I had my license, when I was notified of my appointment, I drove down to Sherburne's to see him, and he (Sherburne) was at his house sick; that is, not feeling well; I found him in bed. I told him I had been appointed. He said he had been informed of the fact that I had been appointed. He asked me if I had my license yet and I told him had not yet, but that I had come down to see if I could not make a satisfactory arrangement with him. He said he supposed I could. I said, "Mr. Sherburne, of course there ain't trade here for two of us, and I do not know how long this license will run; I never inquired." I said, "Sherburne, I will buy you out and pay you what your goods are worth and what your buildings are worth if we can agree on the price. If we cannot, you take a man and I will take a man and they can take a third one, and they can agree upon a valuation." He said that would be all right; and, he says, "When your license comes on you can come down and we can arrange it." In the course of a week or ten days after my license came down I came on and met Mr. Sherburne here in Arkansas City, and I told him I was just on my way down and wanted to make an arrangement to see what we were to do. Well, he said he had changed his mind. He said, "I have made up my mind I am going to try to stay here."

Q. When was this?—A. It was in the latter part of May. I said, "Is that your decision?" I said, "That means for me to build." He said, "Yes"; and that is all the conversation we ever had in regard to buying or selling.

Q. The Department allowed him to remain until the 1st of the following February, did it not?—A. Yes, sir; I think he left there about the 17th of February, or somewhere about that time.

Q. Did you tell Sherburne, or did you say anything to him to give him to understand, that you had assurances from the Department, or such influence with the Department, as would prevent him from being allowed to remain there?—A. No, sir; I never had any assurance from the Department. I have made the assertion, though, and probably Sherburne got it, but not direct from me, when I found he was trying to get it again, that I did not believe he could get it at all, for I had as good backers as anyone, I thought. I made that assertion; but as to influence with the Department or assurances from it, no.

Q. Did you not know there was not enough trade there for two traders?—A. I did not know as much about it as I found out afterwards. I supposed there was more trade there than there was.

Q. In your dealings with Sherburne, or in your effort to buy his interest out there, did you treat it simply as a business transaction on fair terms of purchase and sale?—A. I certainly did.

Q. Did you say or do anything looking like trying to bring any Departmental influence in your favor as against him?—A. No, sir.

Q. Did Sherburne have a license as trader anywhere except at Ponca?—A. I could not answer for certain.

Q. Do you know whether he ever had a license at the Otoe Agency?—A. I have been told so, but I only know from hearsay; I never saw it, but I have heard of it.

By the CHAIRMAN:

Q. How much did the expenses of your attorney in getting your license amount to?—A. I think it cost me about $200. He was in Washington twice, and I think it cost me $200.

Q. The Mr. Jones whom I referred to is the present Democratic marshal of Kansas. Do you know him?—A. I know him by reputation.

Q. You never heard that his name was on Mr. Sherburne's application?—A. I think I did.

Q. Did you hear that it was gotten off from there before you received your appointment?—A. No, sir; I never heard of Mr. Jones until after I got my appointment.

Q. Did you ever, hear after you had gotten your appointment, that you could not get it until Jones's name was in some way removed from Sherburne's application? Have you ever heard it before to-day?—A. No, sir; I think I got my appointment before Jones's name was on it.

Q. On Sherburne's application?—A. Oh, I do not know about that.

Q. They got his name on your application?—A. Not the first time.

Q. But at some time?—A. I got it on when I tried to get it renewed. I do not think his name was on my application at first, because I did not know Jones at the time.

By Senator BLACKBURN:

Q. Your recollection is that you got your appointment as trader without Jones's indorsement, and that after you got Jones's indorsement you tried to get your license renewed and failed?—A. Yes, sir.

Q. Did you employ this gentleman of Winfield as an attorney to secure you this appointment, or was it a friendly service which he was reodering and you paid his expenses?—A. It was a friendly service. I was just to pay his expenses. I did not hire him as an attorney at all.

Q. Is he or not a leading Democrat in Kansas?—A. Yes, sir; he is.

By the CHAIRMAN:

Q. Is he a committeeman?—A. No, sir.

Senator CULLOM. What is his position in this county?

Senator BLACKBURN. He is on the Democratic State central committee, is he not?

The WITNESS. Yes; he is.

By Senator CULLOM:

Q. Was this your first experience in regard to Indian tradership?—A. Yes, sir.

Q. And the last?—A. I hope it will be the last.

Q. You got worsted by the operation?—A. Since I have ascertained the way I was dealt with I hope it will be the last; I do not want any more of it.

Q. You lost money by your effort or enterprise?—A. Yes, sir; I did not make anything.

By Senator BLACKBURN:

Q. What are your politics?—A. I am a Democrat.

TESTIMONY OF JOSEPH H. SHERBURNE (recalled).

JOSEPH H. SHERBURNE was recalled and further examined, as follows:

By the CHAIRMAN:

Question. Was the name of Mr. Jones, the present marshal of Kansas, indorsed on your application for a license as an Indian trader?—Answer. Yes, sir.

Q. Or the renewal at the time it was renewed?—A. Yes, sir.

Q. Do you know whether his name had to be gotten off from it before Mr. Hodges could get his license?—A. I heard so. I heard a man say so; that he heard Mr. McDonald say so. That is all I know about it.

Senator BLACKBURN. I do not want to shut out anything in this investigation, but I would like to call attention to the fact that this witness is stating what he says he heard a man say that he heard another man say. If he could give the date I would not make any point about it.

Q. But you do know that his name was on your application as an indorser?—A. Yes, sir.

By Senator BLACKBURN:

Q. You do not know of your own knowledge whether Mr. Jones's name was taken off or not?—A. No, sir.

By the CHAIRMAN:

Q. All you know about that is what you have heard?—A. That is all.

Q. Mr. Hodges says he is a Democrat; what are you?—A. I am a Republican.

The select committee then adjourned until Tuesday, May 10, 1887, at 10 o'clock a. m.

ARKANSAS CITY, KANS.,
Tuesday, May 10, 1887.

The select committee met, pursuant to adjournment, at 10 o'clock a. m.

TESTIMONY OF H. R. VOTH.

H. R. VOTH, having been duly affirmed, was interrogated as follows:

By the CHAIRMAN:

Question. What is your name?—Answer. H. R. Voth.

Q. What is your occupation?—A. I am a missionary.

Q. Connected with what church?—A. With the Mennonite Church.

Q, Where is your church?—A. At Darlington, Ind. T.

Q. How long have you been there?—A. Since June, 1882.

Q. You have there a mission-school under the auspices of the church?—A. Yes, sir.

Q. With how many pupils?—A. Forty-nine, of which I have taken three away now; we can accommodate about fifty.

Q. Were you there before Messrs. Hemphill and Woy came there as traders?—A. Yes, sir.

Q. And during all the time that they remained there as traders?—A. Yes, sir.

Q. What was their standing and character with reference to the civilization and education of the Indians; did they take any interest in it?—A. Yes, sir; they did. I think the general impression was that they did, and that their standing was quite good in that respect.

Q. Did you ever hear at the agency, or about there, any complaints against them as to their methods of dealing with the Indians?—A. I do not recollect that I ever heard any.

Q. You knew of none yourself?—A. No; I have dealt with them myself for a number of years' and I have no complaint to make so far as I am concerned.

Q. Did they take any interest in your work, or in the work being done for the education of the Indians?—A. I would have to say that it seemed they were more connected with the Government work, the Government school, which was nearer by. I know they were very often in the Sunday-school, and I know that Mr. Woy had a class in Sunday-school, and instructed a class of Indian children there. The services for the white people at that time were in that school, and I know that Mr. Woy and Mr. Hemphill attended them regularly with their families. Our school is farther off, and they did not come there so often, but they took an interest in our school too.

Q. And came there sometimes?—A. Yes, sir. Mr. Hemphill often spoke to the children in Sunday-school. I do not know whether he had a regular class in the Sunday-school at the Government school, but he may have had it. If they did not come often to our school I am convinced it was not from a lack of interest, but the other school was nearer, and they had a Sunday-school, as now, both in the forenoon and afternoon, so that it was natural for them to go there more than to our school.

Q. Was it your habit to go down to the agency and hold services there?—A. Yes, sir; in the evenings.

Q. Did you find that Hemphill and Woy were sustaining those services?—A. Yes, sir; I think they were foremost among those who did sustain them. There was not much sustaining; it was all free. I only mean that they came and attended regularly; that is what I mean.

Q. How came you to go down there; voluntarily or by request?—A. I was requested to do so. It was a general wish to have a kind of union service there. It was not the work of our church; it was not a church service at all, but it was a kind of union service, in which they all participated.

Q. Do you know whether that request came through the influence of Messrs. Hemphill and Woy or whether they were instrumental in bringing you down there?—A. Well, those services were being conducted there before they came, by Mr. Howry, and there was a Rev. Mr. Wicks who preached there occasionally, and Mr. Tabor, the Quaker missionary. But when Colonel Dyer came there that request was renewed. It was a delicate matter whether I should continue it, but it was renewed, and I remember that Mr. Hemphill particularly expressed his wish that the services should be continued. Whether he spoke to the agent about it or not I do not know.

Q. You are not holding services there now?—A. No, sir; not at present. I think that I will begin again, as several parties have asked to have them taken up again. One reason why they were discontinued was, probably, that since the time that the cattlemen left there, and

Hemphill and Woy and their families left there, there were less white people there, and that broke them up. The application came when I was not at home. Mr. Barker has requested me, among others, that they should be taken up again, so that may be we will begin them again.

By Senator BLACKBURN:

Q. You say that Mr. Barker asked for it?—A. Yes, sir.

Q. Is he the present trader there?—A. Yes, sir; he is the present trader. He, among others, asked for it; there were others, so that there is no special reason why they are discontinued.

TESTIMONY OF E. G. GRAY.

E. G. GRAY, having been duly sworn, was interrogated as follows:

By the CHAIRMAN:

Question. Where do you reside?—Answer. At present in Arkansas City.

Q. What is your business?—A. I am in the lumber business now.

Q. Before you came here what was your business?—A. I was deputy county clerk at Winfield in this county.

Q. Did you hear any conversation in which Mr. McDonald participated with reference to the way in which Mr. Hodges's appointment as Indian trader at Ponca was secured by him?—A. Yes, sir; I heard a few words.

Senator BLACKBURN. Mr. Chairman, just there I expect I had better let the record show that I called attention to an objection to this testimony. Mr. McDonald is here within this county, and clearly in our hands if we want him, and I think we had better call him. I will just note the objection, and then you can go on.

The CHAIRMAN. Mr. Hodges testified yesterday that Mr. McDonald had charge of his interests in securing his appointment as Indian trader, and I think therefore that what Mr. McDonald said about it should appear.

Senator CULLOM. We think it will do no harm to ask him the question.

Senator BLACKBURN. Just note the exception, please.

The CHAIRMAN. You may state what you heard.

The WITNESS. It was about the latter part of October.

The CHAIRMAN. Before you state that, who was the county clerk?

The WITNESS. The county clerk was Capt. J. S. Hunt. His son married Mr. Hodges's daughter. That is the way the conversation came up. I suppose about the latter part of October, 1885, Mr. McDonald came in there on his return trip from Washington. He had been intrusted with the interests of the gentlemen in that county, Cowley County, in seeking positions, and he was telling of his success and his treatment in Washington by Commissioner Atkins and President Cleveland to a few of his friends. He spoke more particularly of Mr. Hodges because of the interest Hodges naturally would have in his case. He said when he came to present Mr. Hodges's claim he asked Commissioner Atkins for a license for Mr. Hodges as Indian trader; that he wanted Mr. Sherburne removed. He said that Commissioner Atkins produced some papers showing Mr. Sherburne's recommendations, and he told Mr. McDonald that he could not grant his request right then in the face of the recommendations Mr. Sherburne showed, for on this recommendation or petition for him to be retained, or his license to be reissued, was

the name of United States Marshal Jones, of Kansas, a Democrat, and Commissioner Atkins seemed to think he did not have the liberty to ignore the request of such a man as Mr. Jones. Mr. McDonald then said to Captain Hunt, "I came back to Kansas and gave Jones to understand that if he did not take his name off of there there would be trouble in the Democratic camp among the rival factions in Kansas"; that he was bound to have Hodges there. He succeeded, he told Captain Hunt, in getting him to take his name off, and he went back to Washington, and then Commissioner Atkins told him that now that his name was off they were ready to listen to him, and asked him what he wanted. He said he told him, "I want Sherburne removed forthwith and Hodges put in his place." He said that Commissioner Atkins seemed somewhat reluctant to do that; he said Mr. Sherburne had borne a good reputation, a good name, was well recommended, and had gone there in good faith, and he thought he ought to give him more time to get out. Thus the matter was left, and Mr. McDonald came back to Kansas this time, and he told Captain Hunt, "I am going down to see that agent, that man Osborne, and I am going to tell him, by God, that if he don't get his name off Sherburne's recommendation it will cost him his head." He said, "The fact of the matter is, Osborne stands pretty high in Washington, but I can scare him out of it, I think." I was sitting in the office, and no one was there but Mr. McDonald, Captain Hunt, and myself. I was a stranger to McDonald and almost a stranger to Hunt. That is about the gist of the conversation and about all there was to it.

By Senator BLACKBURN:

Q. You were a stranger to Mr. McDonald?—A. He knew me by name, but not by face.

Q. And you were almost a stranger to Captain Hunt?—A. I had not met Hunt but twice before I went into the office.

Q. You were then a deputy clerk under him?—A. Yes, sir; I had been there just a month.

Q. How came you to be appointed deputy clerk under Hunt?—A. The way I came to be appointed was, there was quite a strife to get Hunt's place, and Hunt was in for the fourth term, or trying to get the fourth term, and his opponents did not like it. I went to Hunt, and we tried to make an arrangement with him by which everything would be harmonious, and he would not listen to it. He did not know me, and he said he did not care about this end of the county much anyhow, and the result was that we elected another man. Then there were two or three applicants for the deputy's place living in Winfield, and Hunt did not like either one of them; he had a personal grudge against all of them, and it was a strife as to who should be deputy. So he came to me and told me that he did not want to make any apologies—the convention was on the 19th of September, 1885, I think—and he introduced himself to me right after the convention, and said, "I want you to come in and be my deputy. I do not want any apologies. I think you are competent for the place. You have caught me, and I have caught you, but I have a personal matter in this, an ax to grind." And he said, "I would not feel at all disappointed if neither of the other applicants got the place." We had considerable talk at the time, because everybody knew I opposed Hunt for the fourth term, and he put me in his office on the 23d of September, and on the 23d of October I was formally appointed as deputy county clerk.

By the CHAIRMAN:

Q. And you held beyond his term?—A. Yes, sir; I held under the successor, and I resigned my position the last 15th day of March.

By Senator BLACKBURN:

Q. Do you know whether Marshal Jones's name was taken off Mr. Sherburne's recommendation?—A. Only from what Mr. McDonald said.

Q. You have stated all you know about it?—A. Yes, sir; everything I know about it.

Q. About when did this conversation occur?—A. I presume it was in the latter part of October, 1885. The reason I think so is we were alone there.

Q. At that time the name had been taken off, had it, according to the statement Mr. McDonald made?

The WITNESS. Do you mean at the time he was in that office?

Senator BLACKBURN. Yes.

A. Yes, sir.

Q. How long before?—A. I do not know how long; he did not tell when; he said when he first applied to Commissioner Atkins the name was on there, and Commissioner Atkins did not want to offend Mr. Jones; he said he then came back to Topeka and accomplished all that he wanted and went back to Washington. This was after Hodges had secured the appointment. But his object was then to get Sherburne's time shortened. He felt sure of Hodges's appointment, however.

Q. Did he state what abbreviation he wanted to make in Sherburne's right to trade?—A. He wanted it cut right off.

Q. Did he get that done?—A. No, sir; he did not get that done.

Q. He had not at that time gotten Osborne's name off, had he?—A. No, sir; that was what he was going to do; he was going down to Ponca the next week to scare Osborne off; he spoke as though Osborne was a friend of Sherburne.

Q. Who else was present during this conversation?—A. Captain Hunt, myself, and Mr. McDonald were the only three in the office.

Q. You have no personal feeling one way or the other in the matter of this tradership, have you?—A. Not in the least.

Q. You never were in the Indian service in the employ of the Government, were you?--A. Yes, sir; I was assistant clerk at Osage.

Q. When?—A. In 1884 and 1885.

Q. Under whom?—A. Agent Myers.

Q. How did you get out of that employment?—A. They stopped my salary.

Q. Who did?—A. The Government.

Q. You were discharged?—A. I was suspended.

Q. When was that done?—A. On the 18th of July, 1885.

Q. That was about two months before you heard this conversation of McDonald's?—A. About two or three months, or along there.

Q. Was your father then in the Indian service in the employ of the Government at Darlington?—A. No, sir.

Q. Was he ever in that service?—A. No, sir; I do not think he ever was. He died about thirty years ago.

Q. But you were dropped from the pay-roll about sixty or ninety days before you heard this conversation?—A. Yes, sir.

Senator BLACKBURN. That is all I want

TESTIMONY OF JOHN H. HALLEY.

JOHN H. HALLEY, having been duly sworn, was interrogated as follows:

By the CHAIRMAN:

Question. You are called Judge Halley?—Answer. Yes, sir.

Q. Do you hold the office of judge?—A. I am county judge at this time; I hold that office.

Q. At what point?—A. In Illinois, in Jasper County.

Q. Are you also an Indian trader?—A. Yes, sir.

Q. At what place?—A. At Ponca, Indian Territory.

Q. Do you endeavor to discharge the duties of both places?—A. I have undertaken to do so, but I do not think I will continue to do so much longer. I think I will give up the office of county judge. I have been back at every term of the court except one.

Q. How frequently are terms held there?—A. Once a month.

Q. When were you appointed trader at Ponca?—A. I was appointed the last of June. I think my license is dated the 30th of June.

Q. Whom did you succeed?—A. William J. Hodges.

Q. What arrangement did you make with Hodges with reference to going into trade?—A. I bought his outfit, his store, his dwelling-house, stables, stock, and corn-cribs.

Q. Did you have the money to pay for them?—A. I gave him a mortgage on my homestead in Illinois, property that cost me $4,000; I could not state how much it is worth now. It was regarded as ample security for what I gave him.

Q. Did you try to make an arrangement with any one else to go into business there before you purchased of Mr. Hodges?—A. Yes, sir.

Q. With whom?—A. Mr. Sherburne; I spoke to him about it on one occasion.

Q. What arrangement, if any, did you propose to make with him?—A. Well, sir, we talked about it, and it was agreed that as I had no experience in the business, and Mr. Sherburne was regarded by some of my friends to be a fit person to be upon the agency, and a skillful trader, I was advised to see him about a partnership. At first I had some hesitation about it, because I did not know that it was exactly proper. But I was advised by those who were acquainted practically with Indian affairs that I might do it. So I saw Mr. Sherburne and we talked the subject over, and it was agreed between us that I should buy Mr. Hodges out, furnish the buildings, and the house, and all the property (he estimated it at about $1,700), and Mr. Sherburne was to give his personal attention to the business and I was to stay and overlook it as much as I could. When we came to discuss the question of profits, so far as I was concerned, we agreed that I should have a gross sum of $900. After we had had this conversation, Mr. Sherburne said he would furnish a carriage and we would go down and look at the store, and I would see Mr. Hodges and make an arrangement about purchasing the property. So we went down and staid around a while, and Mr. Sherburne came back home, and the next day, or the day after, I was to go in the mill hack. I could not make any arrangements with Mr. Hodges, and when I returned I informed Mr. Sherburne of the fact, and the matter was declared off.

Q. Were you to buy Hodges's stock as well as his buildings?—A. I do not know, sir. He had no stock to sell that I know of. I bought some of his furniture.

Q. No; in this negotiation with Sherburne, I mean.—A. No, sir; Sherburne was to buy the stock and I was to buy the buildings.

Q. You were to buy the buildings?—A. Yes, sir.

Q. And Sherburne was to buy the stock?—A. Yes, sir.

Q. And Sherburne was to attend to the business?—A. It was understood that I was to give as much of my personal attention to it as I could; that I should be there from time to time and see that I was protected, as well as my bondsmen, and to see that the regulations of the Department were carried into effect. That was the understanding between us.

Q. But it was your expectation to retain your office in Illinois and take care of that?—A. Yes, sir; I expected to be backwards and forwards.

Q. Just why was the trade declared off with Sherburne; how did you fail with Hodges?—A. He asked more for his property at that time than I thought I could afford to give. I afterwards bought it for less.

Q. How much did he want then?—A. He talked about $1,600 or $1,700.

Q. And what did you finally buy it for?—A. I think I got the property—and he had a few little goods there, a small package of goods—I think I got it for $1,500.

Q. A house and what trading property he had?—A. Yes, sir.

Q. Before you bought of him did he carry on the business after your appointment?

The WITNESS. Do you mean Mr. Hodges?

The CHAIRMAN. Yes.

A. No, sir; what he did was under the direction of the agent, as I understand it. He remained there, and I think had permission from time to time to sell what goods he had on hand. I do not think he replenished his stock after I was there.

Q. But you had no connection with his trade until you bought him out?—A. No, sir; nothing at all.

Q. He was not carrying it on under your license?—A. No, sir; he had nothing to do with that; he got extensions from the Indian Bureau.

Q. How long after your appointment was it before you bought him out?—A. Well, sir, I was appointed, and as I have stated, the last day of June. I came down in July, and I think the trade was consummated some time in the early part of September. I took possession down there in September.

Q. You say you had no experience in the business?—A. No, sir.

Q. What has been your business experience?—A. I have been a practicing lawyer and acting as judge for some time. For a short time I was judge of the circuit court.

Q. Of what place are you a native?—A. I am a native of Virginia.

Q. When did you first come to Illinois?—A. In 1865?

Q. Which was just after the war?—A. Yes, sir.

Q. Before or after the close of the war?—A. About the close of the war.

Q. Were you in the Confederate service?—A. Yes, sir.

Q. Were you in Illinois during the war?—A. I believe I was at Peoria once during the war.

Q. Were you sent into Illinois during the war by the Confederate officers or Confederate government to look after things or to discover things?—A. No, sir.

Q. Did you go on your own account for that purpose?—A. I was going from Mississippi to Missouri, and I got to Illinois easier than I could go in any other way. I lived in Missouri.

Q. You were then in the service?—A. Yes, sir.

Q. Through whom, if through any one, did you secure your appointment; who recommended you?—A. A member of Congress, a Mr. Landes.

By Senator CULLOM:

Q. I suppose Mr. Landes got his colleagues to sign for you?—A. Yes, sir; I think so.

The CHAIRMAN. The list furnished by the Commissioner of Indian Affairs shows that Judge Halley was recommended by nine members of Congress from Illinois, Hon. S. Z. Landes, William M. Springer, William R. Morrison, J. M. Riggs, N. E. Worthington, R. W. Townshend, William H. Neece, James H. Ward, and Hon. Frank Lawler, all members of the House of Representatives.

Senator CULLOM. The Democratic delegation.

The CHAIRMAN. The entire Democratic delegation?

Senator CULLOM. Yes.

By Senator BLACKBURN:

Q. What command did you belong to in the Confederate service?—A. I went out in General Price's command in the beginning. I lived in Missouri at the time.

Q. You had been a member of the legislature of Missouri?—A. Yes, sir.

Q. And have been a member of the Illinois legislature?—A. Yes, sir; I served twice.

Q. Were you a colleague of Senator Cullom's in the legislature of Illinois after the war?—A. Yes, sir.

Q. From the county of Jasper, where you now live?—A. Yes, sir.

TESTIMONY OF JOHN F. DE BRA.

JOHN F. DE BRA, having been duly sworn, was interrogated as follows:

By the CHAIRMAN:

Question. Please state your name.—Answer. John F. De Bra.

Q. Of what place are you a native?—A. I was born and raised in Ohio; near Dayton, Ohio.

Q. What is your profession?—A. I am a physician and surgeon.

Q. Of how long standing?—A. I have been in the practice of medicine nearly thirty years; about twenty-seven or twenty-eight years.

Q. Were you at any time agency physician at Darlington, Indian Territory?—A. I was.

Q. For how long; between what periods?—A. I was appointed the first day of October, 1883; that was when my term of service began, and I served until the 10th of January, 1886.

Q. Did you seek your appointment there, or how did it come about?—A. No, sir; I did not seek it. I have been a martyr to hay fever, and I was traveling, and passing through that country I found a great relief, and I concluded I would stop off at the agency a short time, and after I stopped there there was a vacancy occurred, and there was a great deal of sickness there, and the then agent, Miles, prevailed on

me to stop, and having found such relief from hay fever I consented to do so, and sent home and got my recommendations, and he said he would indorse them and see if he could secure me the appointment, as they were compelled to have a physician at that time and could not wait until they could have an appointment made from Washington. Stating these facts I received the appointment.

Q. You never thought of securing such an appointment until you happened to stop there?—A. No, sir; I had not the appointment in my seeking.

Q. I think I will inquire what your politics were?—A. Well, I had always been a neighbor of Mr. Vallandigham, if you have any recollection of him.

Q. And a Democrat, I presume, being a neighbor of his?—A. Yes, sir.

Q. There was no question made about your politics at all?—A. No, sir; I told the agent I could get Democratic indorsement. The agent said, "Democratic or not, we have got to have a physician; we are not after anything but a doctor, and we must have him."

Q. You were there when Messrs. Hemphill & Woy came there, were you not?—A. No, sir; I think Mr. Woy, if I understand it, was there two or three months before I was.

Q. Well, about that time?—A. Yes, sir; I went there about the last of September.

Q. As physician, you had an opportunity of observing whether Hemphill & Woy were good traders and whether there was any occasion for complaint against them, had you not?—A. I was very intimately associated with Hemphill & Woy as neighbors; our families were very intimate.

Q. What do you say about their conduct as traders there?—A. I never heard any complaint alleged against them or saw anything out of the way with them. They were straightforward, upright, Christian gentlemen.

Q. What was their influence, so far as you observed, upon society there, and the condition of the Indians, their education and civilization?—A. Well, we worked together in many respects towards the advancement, the civilizing and Christianizing of those people, and I think we did all we could, in order, by precept and example, to bring about a better condition of things and to better their condition.

Q. State whether or not Hemphill & Woy were interested in the work, whether they took an active interest in the work of civilizing and Christianizing and educating the Indians.—A. They always did.

Q. What did they do?—A. They always were counseling for good, and they invited frequently the people to attend our churches and schools, and sometimes we would have an interpreter there to talk to them—to the blanket Indians and their children—and some one in the school would be called upon, and Hemphill and Woy were leading men in our community in that respect. Their example was very elegant. Most generally we attended the Arapahoe school, from the fact that it was near by, while Mr. Voth's school was further off and there they had a sufficient number of white persons to teach in their Sunday schools. Consequently we would, as a general thing, go to the Arapahoe school.

Q. I will ask you this general question: How much of a factor is the Indian trader in the matter of the advancement and civilization of the Indians?—A. That would be a pretty hard question for me to answer.

Q. Perhaps you do not get my question: Are the Indians influenced by the traders at all?—A. Oh, I think just as much so as they would be by anyone, any agent or employé. Any man who goes there will have an influence either for good or bad. It must be one or the other; it cannot be any other way.

Q. What are the opportunities of a trader for exercising a good influence?—A. Just simply from his coming in contact with them, and by his conversation and example, I should think.

Q. Take it in the matter of getting children to attend schools. Does a trader have any special advantages in that respect?—A. Oh, yes, sir. When Agent Miles was agent (as also Agent Dyer), he having a great deal of work and care, I was frequently asked to look after the children, to get them into the school, and I had the examination of those children that were sent away to school, and I know that Mr. Hemphill and Mr. Woy both would frequently assist me in talking to camp Indians with reference to their children to get them into school and send them away to school. I never have heard anything else of them, only that they used their influence to get these children to school and send them away to school.

Q. Did you leave the agency voluntarily, or were you displaced?—A. I did not leave it voluntarily; I was bounced.

Q. Why were you bounced?—A. Well, I will tell you. I cannot make a long story short in that matter.

Q. Well, make it as short as you can, and give it to us.—A. I certainly can. In the first place, after the change of administration, supposing, as I had always been a Vallandigham Democrat, it was a good enough recommendation for me, and referring to papers already on file in reference to my character, I wrote Mr. Atkins a letter stating these facts and referring to the papers already on file. To that I received no answer. I supposed that there would be no change made, or I should hear something about it; that there would be further application necessary, I supposed. I waited, and I think it was along about July, 1885, or perhaps August, or about that time, there was notice came that a Dr. Dorset, of Texas, had been appointed agency physician at the Cheyenne and Arapahoe Agency, his pay to commence as soon as he could come there.

By Senator CULLOM:

Q. That was your place?—A. Yes, sir; that was my place. I remonstrated. I wrote Commissioner Atkins a letter and claimed that I had not been treated fairly; that if he wanted recommendations in reference to character and also recommendations to establish the fact that I had been an uncompromising Democrat, they should be forthcoming. No reply came to that—yes, a letter came saying about this: "Yours of a certain date protesting against being relieved (or to that purport) is received. You are notified by this office that appointments are not made on personal recommendations." That was all. In the mean time I had taken opportunity to send to Ohio for recommendations, and to General Anderson, the Congressman, and various parties whom I had associated with for years. I received those recommendations. About the time I had received them or before, I had understood that Commissioner Atkins was coming West on a tour of inspection, and would visit that agency. When Mr. Atkins came I presented those papers to him. He was very sorry——

Q. Sorry for what?—A. Sorry that he had not known this before, he said; that I should have a place, he said. In the mean time, mark you,

this Dr. Dorset, of Texas, had written to Captain Lee, the agent there, wanting to know what society he would have there for his wife, what opportunities he would have for his children, and a discussion of the agency generally. Captain Lee said he was busy, and he said to me, "Doctor, you answer that letter; you write out the exact condition of this agency, and answer his questions." I did it. I said when I came to that item of his as to what society he would have for his wife, I said, "Doctor, you ought to know what the society of a military post is, and whether you want your wife to associate with them or not. As far as the society of the agency is concerned, it is made up of the best of Indian traders, together with the employés, and is of the very best."

By the CHAIRMAN:

Q. What do you mean by military post; Fort Reno is only a mile distant?—A. Yes, sir; about a mile and a half distant. I sent that letter to Dr. Dorset, and his wife as I understand—at least he declined to come. He wrote me to the effect that he would not want my property which I proposed to sell to him. In the mean time he notified (this is only supposition) the Indian Office of that fact. I only speak from circumstantial evidence; and while General Atkins was West, Mr. Upshaw appoints a Dr. Giffen——

Q. From what place?—A. From Indiana, from the Objector's district—Holman's district, from Indiana, and he came there. When General Atkins was there he had been notified that Mr. Upshaw had made the appointment of this man Giffen. Now, drive a peg right there; I want to start off on another point. While General Atkins was there there was a man purporting to be a Colonel Ellison came there——

Q. Do you know his first name?—A. I do not know it.

Q. Is it George C.?—A. I do not know; but he is a drunken deadbeat. He had been to the Osage Agency and he came and met General Atkins at that agency, and I am credibly informed (and believe it because I got a portion of it from General Atkins that what I knew was a fact) that he had offered to get a doctor from the Osage Agency transferred to my agency for the sum of $300.

By Senator BLACKBURN:

Q. Did Commissioner Atkins tell you that?—A. He did not tell me that, but I had a conversation with General Atkins and he confirmed me in the opinion.

By the CHAIRMAN:

Q. You are coming to that part I suppose?—A. Yes, sir; I am.

Q. This is the same man who held at one time a trader's license?—A. Yes, sir.

By Senator CULLOM:

Q. Where?—A. I do not know.

By the CHAIRMAN:

Q. It was a sort of roving license, was it not?—A. I do not know where he held a license.

By Senator BLACKBURN:

Q. How do you know he had a license?—A. General Atkins told me he gave him a license.

By the CHAIRMAN:

Q. Had he made any proposition to you on the subject?—A. He came to me and said that he staid in General Atkins's office at Wash-

ington, and if I would give him $300, why he would get General Atkins to give me that appointment. I said, "No, I won't give you one cent. If my character and if my work and what I have done for those Indians will not recommend me, as hard as I have worked, one cent will not get me that appointment." He dropped his head and went off. Now here. He went off with General Atkins's party, and General Atkins on the road told me that he had told him, (even while he was there at the agency and working in the interest of getting this other man appointed, now mark you) that Dr. De Bra was a notorious infidel, and told him that I had expressed myself as if I did not believe an Indian had a soul.

Q. You know that because you say Commissioner Atkins told you so?—A. Yes, sir; he told me so. The way I got to hear it now was, he got to asking Mr. Hemphill about it, if I was an infidel.

By Senator BLACKBURN:

Q. Who did?—A. General Atkins had asked Mr. Hemphill, and Mr. Hemphill had told him.

By the CHAIRMAN:

Q. You may proceed with your statement.—A. There is one point. Now, to go back. Mr. Williams is present agent there now. After Giffen had come there, the first thing he did was to tap a case of alcohol.

By Senator BLACKBURN:

Q. Who was that?—A. Dr. Giffen, Mr. Upshaw's appointee.

Q. How do you know that General Upshaw appointed Dr. Giffen?—A. General Atkins told me that he had made that appointment. That is straight goods, you know.

By the CHAIRMAN:

Q. Proceed with your statement.—A. And he got drunk the first thing. I had not opened the last year's supply.

By Senator CULLOM:

Q. Did you turn over the whole invoice?—A. Yes, sir; and the first thing he did was to open up a case of alcohol. I gave him the key about noon, and by 4 o'clock in the afternoon he was beastly drunk, and at the same time there were several cases of sickness in the school among the scholars, and he was drunk, and I attended the cases.

Q. After you were discharged you attended to those cases?—A. Yes, sir; after I was discharged I went and visited those who were sick. I met the agent, and he said, "The doctor is in terrible distress; what is the matter?" "Why," I said, "he is drunk." He says, "Indeed. Well, I will investigate it." The agent told me that he went down to the hotel and inquired for him, but could not find him. He inquired if he was in his room, and they said, no, he was not. Well, he said he would go and look for himself, and he found him, and he was so drunk, he could not rouse him up at all; he was just limp. The next morning he concluded he would straighten up, and he went and saw the agent and promised him he would reform and not drink any more. But he kept it up right along for about a week, and the agent put me back on duty again. I was on duty then perhaps a month or six weeks or may be two months, and then Dr. Gray was transferred from some agency at the north to that agency, and relieved me, and I went then to Washington. I wrote several times to know the cause why I was relieved, and if there were any charges against me, because, if there were, I wanted an opportunity to refute them. I could not get any answer;

I could get nothing. I was relieved, and simply took the train and went to Washington to investigate. After conversing with Commissioner Atkins, and refuting, to his satisfaction, the statement that I was an infidel, and convincing him that I did believe, perhaps, that an Indian had a soul, and also refuting the letter that had been written from that agency that I was trying to circumvent Commissioner Atkins' appointment, he said, "Well, I am sorry; I have no vacancy at all; there is no vacancy, and I cannot relieve anybody else to give you their place, but I will give you a situation when there is one vacant, though I have concluded not to make any more promises to anybody."

By the CHAIRMAN:

Q. You say you satisfied Commissioner Atkins that you were not an infidel. How did you satisfy him in regard to that?—A. When he made that charge to me I happened to carry a letter from the church.

Q. From what denomination?—A. From the Christian Church, the Disciples.

Q. The church commonly known as the Campbellite Church?—A. Yes, sir; the Campbellites; the doctrine laid down by Alexander Campbell.

Q. That satisfied him, did it?—A. Yes, sir; he told me that after seeing that letter, and my zeal in coming all the way to Washington City, he was thoroughly satisfied.

Q. Did he tell you how he had formed the impression that you were an infidel and did not believe an Indian had a soul?—A. Yes, sir; by this man's telling him.

Q. By Colonel Ellison telling him so?—A. Yes, sir; by Colonel Ellison telling him; and he said that he had satisfied himself with reference to Ellison, and would not allow him to come into his office any more. He told me that.

Q. He was also satisfied with regard to Ellison?—A. Yes, sir.

Q. Now, how did you satisfy him about the letter which had been written there saying that you had misrepresented the condition of society at the agency and were trying to circumvent him?—A. They had seen, perhaps, that there might be some question about that, and it seems as though they had sent to Dr. Dorset, in Texas, to get that letter that I had written, but undoubtedly had not examined it, from the fact that he was very much surprised when he found what his impression was and that what had been reported to that office was untrue.

Q. You think Commissioner Atkins had not seen the letter?—A. I know he had not seen the letter, because he telephoned Mr. Upshaw to bring the letter and papers over.

Q. And when he saw that letter which you did write to Dr. Dorset he was satisfied on that subject?—A. Yes, sir; he said he was at least.

Q. That is the whole of your story as regards your removal?—A. Yes, sir. I was determined not to lie under any stigma or charges, and Mr. Upshaw told me there was not a charge against me; that I had not been derelict of duty or guilty of malfeasance or anything of that kind. He said there was nothing against me.

Q Was that supposed to be a pretty valuable position for a doctor?—A. I was getting $1,200 a year, and besides I was allowed to treat outside patients.

Q. You received $1,200 a year from the Government?—A. Yes, sir; and then I was allowed to do all the outside practice, although I had to attend to all the employés there free of charge; but there were cattle-

men in the country, or had been cattlemen, a great many of them, and that made it a very nice situation at that time.

Q. You say that Hemphill and Woy exercised a good and favorable influence upon the Indians at that place?—A. Oh, yes, sir; very.

Q. And upon society there?—A. Yes, sir; very nice indeed.

Q. Has there been any improvement in that respect since the new traders came?—A. Senator, I will tell you that is my private property now; that is my campaign property for 1888, and it is sacred, and this is not the time to part with it; but I expect if you will come around the cross-roads in Indiana and Ohio next year I will tell you all I know about it.

Q. You can answer that general question as to whether there has been any improvement in the condition of things since the new traders came there.—A. I do not wish to be arbitrary about this matter, but supposing now I were to answer that question, perhaps you would ask me another.

The CHAIRMAN. Well, you are here as a witness.

Senator CULLOM. You ought to go on and tell what you know pertaining to the subject.

The WITNESS. I do not know just how far I am compelled to do anything of that kind; I am no lawyer; I do not know whether I am compelled to just simply tell here what I know, if I claim it is private property; I do not know about that; I will ask for information; I wish to do what is right under all circumstances, and will do it.

The CHAIRMAN. This committee is here to find out all about the appointment of Indian traders and their method of conducting the business, and other matters pertaining to it, and I think you should answer the question.

Senator CULLOM. You have no right to excuse yourself on the ground that it is private property; there is nothing in that excuse; if there is anything that is asked you that is entirely foreign to the subject, it might be a question as to whether you have a right to refuse an answer to it; but the committee must be the judge of what it is right to ask you.

The CHAIRMAN. Well, I will put some direct questions to you.

Q. Did you ever know any gambling to be carried on there when Hemphill and Woy were there?—A. Well, yes, sir; before they left, I did.

Q. While they were there holding an appointment as traders?—A. Yes, sir; you see I left before they did.

Q. You say their influence upon society was good there, and you wrote Dr. Dorset that the society was the best there; was that true?—A. As far as our society that we associated with there together was concerned, I felt so, they and their wives; I associated with them and they were mighty good fellows, I thought.

Q. The employés do you mean?—A. Some of them. Some of them were not so good, I suppose.

Q. Was any gambling carried on there after the new trader came?—A. Well, yes, sir; I think so; and before too, I think.

Q. Now I want you to tell how much there was before and after?—A. Senator, it would be impossible for me to tell how much. Perhaps I would not know. Perhaps I could tell that I had frequently seen gambling going on, and not so much. Under Colonel Dyer's administration; you go back to that now; simply go back to Colonel Dyer's administration up to July, 1885, say.

Q. Well, go back to Colonel Dyer's administration.—A. There was but very little of it I think, very little gambling under Colonel Dyer's

administration, and but very little under Agent Miles's administration, because those men were very elegant gentlemen; nice men; and I do not think they allowed it. But when Agent Lee came in possession of the agency I think he was more lax with reference to the conduct of men. Whether he knew it or not I do not know—yes, I know that he knew it, because just before I left I told him what was going on; I remember that.

Q. What did you tell him was going on?—A. I told him that there was gambling going on; I told him that that commissary used a kind of gambling tent.

Q. What commissary?—A. It is where the office is.

Q. Is the commissary connected with the tradership?—A. Yes, sir; where the goods are stored.

By Senator CULLOM:

Q. Are the books kept there?—A. Yes, sir; the books are kept there.

Q. And money?—A. Yes, sir; I think so; I have seen money in that office.

By the CHAIRMAN:

Q. Did the employés of the trader gamble there?—A. Yes, sir; some of them. I have seen some of the traders gambling there.

Q. Did the condition of things existing there at the time you left tend to the advancement of civilization and Christianity amongst the Indians?—A. I think not, sir.

By Senator CULLOM:

Q. Was it worse when you left than it had been before?—A. Yes, sir; it seemed to be getting worse all the time.

By Senator BLACKBURN:

Q. Taken altogether, doctor, you feel that you have been badly treated in this matter, don't you?—A. Well, I will state that, after having lived a consistent Democrat and being the bosom friend of Vallandigham, I think I was.

Q. It looks so. It occurred to you that these gentlemen neither cared about your politics when a Republican administration appointed you and a Democratic administration put you out?—A. It occurred to my mind that when I had relinquished a good practice at home and had gone there and taken the interest that I had in the work, after relinquishing this practice and sacrificing, you might say, what I had, and then going out into the world to establish a new practice, an old man, it was an up-hill business, and I felt undoubtedly that I was wronged.

Q. How old are you?—A. I am 50 years of age.

Q. Now, to ascertain exactly how badly you felt that you had been treated and what effect it has produced upon your mind, won't you tell us upon which side of the campaign of 1888 you intend to use this campaign capital you have stored up?—A. I have no hesitancy in saying that the only way I see out is to elect Mr. Blaine as President.

Q. I thought so. So, then, a Democratic administration by turning you out has made one Republican vote for 1888?—A. Yes, sir; I think so. Taking this into consideration, mark you, the way we worked there for the elevation of those Indians, and the condition of that agency to-day, certainly any man that would have the spirit of God and of humanity at heart would think so.

Q. When this man Ellison offered to get you reappointed for a sum of money, $300 I believe you said it was——A. Yes, sir; it was.

Q. When he made that proposition to you, where was the Commissioner of Indian Affairs; was he at that agency then?—A. He had not come yet.

Q. He did come afterwards?—A. Yes, sir; he came afterwards.

Q. And you had several interviews with him?—A. Not several; I had one interview.

Q. Only one?—A. Yes, sir.

Q. I thought you spoke of a conversation between yourself and the Commissioner on the road afterwards when he said something about your infidelity?—A. He told me that this man had told him about it on the road; I was not on the road.

Q. Did you tell Commissioner Atkins that Ellison had made this proposition to you?—A. I did not, because I did not think it necessary at all, or didn't think of it.

Q. A man was holding a license under Commissioner Atkins as an Indian trader, and he offered for a bribe to secure you an appointment, and you subsequently talked about that man to the Commissioner of Indian Affairs and never told him of this?—A. Say, Senator, you can't now tangle me.

Senator BLACKBURN. I don't want to tangle you; if you don't tangle yourself I will congratulate you.

The WITNESS. I want to explain it to you.

Senator BLACKBURN. Explain it to him [pointing to the stenographer], for I want it all to go into this record.

A. In the first place I never held a post tradership.

Q. But Ellison did?—A. Yes, sir; he did, but I didn't know it at the time he was there.

Q. You knew it when you were talking to Commissioner Atkins?—A. Yes, sir; but that was three or four months afterwards.

Q. Had you forgotten that he had offered to do this for a bribe?—A. No.

Q. Then why didn't you tell Commissioner Atkins about it?—A. I just simply didn't know that he had made that report to Commissioner Atkins that I was an infidel until Commissioner Atkins had told Mr. Hemphill.

Q. Then, unless he did something inimicable to you, unless Ellison made some report harmful to you, or did something to hurt you, you did not intend to tell about this bribe that he offered at all, did you?—A. Well, I didn't tell him until I went to Washington; I told him at Washington.

Q. Was Ellison then holding a license to trade?—A. I think not; no, sir; he was not.

Q. Don't you know that his license to trade was canceled and that by telegraphic order?—A. No, sir; I do not know that it was canceled by telegraphic order. Commissioner Atkins told me that he had revoked his license.

Q. Before you ever told him about this bribe business?—A. No, sir; afterwards I told him about the bribe business.

Q. In that same interview with him in Washington?—A. Yes, sir.

Q. But you did not tell him months after the offer was made by Ellison, when Commissioner Atkins was at the agency?—A. The only conversation I had was in presenting the papers. He was in a great hurry and said "I will hear you," and I presented those papers. That was the only conversation I had with him at the agency. He was busy and his time was taken up, and I presented my papers to him and he was very sorry and told me I should have a position.

Q. Where was that?—A. That was at the hotel there.

Q. Where was it on the road that Commissioner Atkins told you that Ellison had charged you with infidelity?—A. Don't try to make me say that, for I didn't say it.

Q. I didn't try to make you say it. But where was it and when was it that Commissioner Atkins told you that Ellison had spoken to him of your infidelity?—A. At Washington City.

Q. Have you not in your testimony here referred to a conversation between yourself and Commissioner Atkins which took place on the road?—A. No, indeed, I haven't. I was not with Commissioner Atkins on the road; I did not have any conversation with him on the road at all.

Q. Very well. Now, then, doctor, tell me about that letter that you wrote to the Texan, Dr. Dorset. Have you a copy of that letter?—A. I have not.

Q. You did not keep a copy?—A. No, sir; I did not keep a copy. I simply did this: The doctor addressed a letter to the agent wanting to know the condition of affairs, and what was furnished him, and what he might expect generally to do, and if it was necessary, I think, to bring books, and what books he would need and what was furnished by the Government, and he wanted to know what society he would have for his wife and what facilities there were for schools.

By Senator CULLOM:

Q. Tell the Senator where the letter is, as a matter of fact.—A. It is on file in Washington. Captain Lee handed me the letter and told me to answer it and state the fact just exactly as it was.

By Senator BLACKBURN:

Q. Did you show the letter you wrote to Captain Lee before you mailed it?—A. I did not.

Q. Was that letter generally favorable or unfavorable; was it calculated to make a favorable or an unfavorable impression on Dr. Dorset in regard to this agency as a place of residence for his family and children?—A. I told him what the facts were, and referred him to other parties for the facts in the case.

Q. Was that letter calculated to induce him to go there or not?—A. That depends largely on what suits a man; It would not be like Washington City, or perhaps there might be worse places in North America· it was simply a fair, plain statement of the truth of what he could ex pect to find there.

Q. Then I will ask you, for the second or third time, would he be inclined, acting upon that letter, to come or not?—A. Well, I did not say anything in the letter which would prevent his coming, because I gave him the facts and just what he could expect.

Q. Did you think it would encourage the doctor or prevent his coming?—A. I do not know; I supposed he was coming and would want to know how to prepare to come; that is what I thought about it.

By Senator CULLOM:

Q. Without reference to whether you staid or went away?—A. Yes, sir; I had no idea but what he would come then; I offered to sell him my horses; I told him he would have to furnish his own team; that the Government furnished feed for one horse, and I went on to tell him that he would have to furnish his own team and conveyance, and I told him I had a fine span of matched horses that I would like to sell to him; the General here remembers this point in that letter, undoubtedly.

Assistant Commissioner UPSHAW. I remember something about the letter; yes.

The WITNESS. I wrote that letter just as conscientiously as I ever did anything in my life, just as I would write to you or any other gentleman.

Senator BLACKBURN. Yes; I have no doubt, under the circumstances.

The WITNESS. There were no circumstances about it.

Senator BLACKBURN. I thought you were about to go out and he was coming and was asking you about it; I understand all about it.

By Senator BLACKBURN:

Q. Now, I will ask you this question: What time did you leave there?—A. I left there, I think, about the 14th of January, 1886.

Q. Have you been there much since?—A. No, sir.

Q. Have you been back at all?—A. No, sir.

Q. You do not know what has been going on there since that time?—A. Only what I get from parties living there.

Q. When did Hemphill & Woy leave there?—A. I cannot say exactly when they left; I think it was about March some time.

Q. They left after you did?—A. Yes, sir; I think they left some time in March; my son was clerking in their store, and I think he came home in March; I have not the date here.

Q. Your son was a clerk for Hemphill & Woy, was he not?—A. Yes, sir; he had been clerking. He had also been clerking for Captain Connell.

Q. Before he went into the employment of Hemphill & Woy?—A. Yes, sir.

Q. Connell was a trader there?—A. Yes, sir.

Q. And he was the man whose place Mr. Woy took. Was not Connell a partner of Hemphill & Woy?—A. No, sir; he was a partner with Hays.

Q. He was employed by and continued to be a clerk for Hemphill & Woy until they closed out in February, 1886?—A. That was my understanding; February or March.

Q. Any immorality you saw going on at that reservation must have been going on while Hemphill & Woy were there, because they came there shortly after you did, and they left there after you left there?—A. Yes, sir; I suppose so. I do not suppose they were cognizant of it.

Q. Were any of the other traders cognizant of it?—A. I have seen some of the other traders gambling there.

Q. Who were they?—A. That is private property, again, Senator.

Q. I do not see where the privacy comes in.—A. Well, you know Connell was running that store, and Hays was down there but little. He was not about the agency, I do not think, but a very few weeks altogether up until the time of this change of tradership; understand.

Q. Will you tell us who the traders were whom you say gambled?—A. I will tell you one.

Q. Well.—A. I saw Hays.

Q. You say he was not there much, and therefore you could not have seen him gambling much.—A. He was, after all these changes were made.

Q. Did Connell have any money, or was Hays to furnish all the money?—A. Oh, I do not know; he had some money.

Q. Did you understand that Connell was furnishing any of the capital in that partnership affair?—A. I do not know; I could not say. I do not want to say anything I do not know.

Q. Did you see any deterioration in the morals and general conduct of the people on that agency brought about by the introduction of any of the new traders in the place of Messrs. Hemphill & Woy?—A. Now, I could not say from that standpoint, speaking from that standpoint, more than it seemed as though when Agent Dyer was out things run pretty high-handed; that is just the truth of it. You know very frequently men will, if they are disposed to do what is wrong, be very sly about it, or will refrain when they know there is a power behind them that would, perhaps, execute the law. And I always accounted for it in this way, that Captain Lee, being a military man, was more lax in his discipline.

Q. I thought military men were usually more stringent as disciplinarians.—A. Perhaps they are under some circumstances.

Q. You have been telling the chairman, here, about the results following the good precepts and good examples on the part of Indian traders upon the Indians themselves. Is that regarded as one of the civilizing and Christianizing influences that the Indians are subjected to?—A. Well, I should think to introduce a bad element among them would not be conducive to their civilization and their progress.

Q. Do you think that many Indian souls are saved by the Christian example of the average Indian trader?—A. I think this: There are two principles, sir. There is a principle of right and a principle of wrong. There are two spirits. There is a good spirit and there is an evil spirit. When the good spirit is in the heart the evil spirit is out, and when the evil spirit is in the heart the good spirit is out also. They do not mix; it is incompatible. And just so far, by precept and example, as you educate an Indian rightly, I think the man that educates him should have due credit. I have no doubt many of the Indians are better off to-day spiritually than a good many white men, because I believe the Lord knows what they would do providing they had the opportunity of light and knowledge. And as far as the saving of Indians' souls is concerned, I think the Lord will just simply exercise his own good judgment about it, and will do what is right.

Q. What I was getting at was your estimate of the practical results of the contact of Indian agents and traders with the tribe. Is it generally good or bad?—A. The what?

Q. The contact, the influences that result from the contact of the Indian tribes with the Indian agents and traders?—A. The Indian employés, and all connected with the Indians, so far as my experience has gone, have a salutary influence upon the civilization, the education, and the encouragement of the Indians.

Q. That is what I wanted to get at. I wanted to find out whether you thought the Indian trader, generally, was more anxious to save the Indian's soul or get the Indian's money?—A. Well, I tell you, as a general thing, so far as I knew those men, they were conscientious men, and their character was not questioned at all, and while they were there perhaps not "for their health," as the general expression is, but to make some money, they saw an opportunity of doing good and elevating them, and even that would naturally, I suppose, inspire confidence in the white man when they found the white man was good. Now, I will tell you, they have a keen, perceptive knowledge of good and bad.

By Senator CULLOM:

Q. A perceptive knowledge of good and bad in men?—A. Yes, sir, in men. As they say it, they will soon tell you whether a man is *obsewah* or *wassah;* that is to say, whether he is bad or not.

By Senator BLACKBURN:

Q. Who took Agent Dyer's place?—A. After the rumpus we had with the Cheyennes there was a military man appointed there—Captain Lee.

Q. He succeeded Dyer, and you think the management was more lax under Lee than under Dyer?—A. Yes, sir; morally speaking.

Q. You had no prejudice against Captain Lee, this incoming agent, had you?—A. No, sir; I really try to be free from prejudice against all men.

Q. Is it or not a fact that the agent who was there before him was your friend and tried to keep you there in your position as surgeon?—A. Nothing more than this; we were not bosom friends really——

By Senator CULLOM:

Q. To whom do you refer now?—A. To Agent Dyer. He was rather a reserved man, a man not adapted to intimacy with the employés, and I cannot say that I was intimate with Colonel Dyer. I never was intimate with him. I remember going to him and asking him if he would recommend me. He says: "Doctor, you have done very well, and," he said, "I find no fault with you, and, consequently, I of course will recommend you for reappointment."

By Senator BLACKBURN:

Q. Colonel Dyer did recommend you for reappointment?—A. Yes, sir.

Q. Did you apply to Captain Lee and ask him to recommend you?—A. This appointment was made at the time I applied to him in July.

Q. When you tried to get yourself appointed to a physician's place, did you ask Captain Lee to indorse your application?—A. Yes, sir.

Q. Did he do it?—A. He did not.

Q. Did he refuse?—A. He said just this. He said: "I never recommend anybody." Says he: "I am a military man, and military men never recommend anybody."

Q. Then there was this difference between them: Colonel Dyer had recommended you for reappointment, and you had applied to Captain Lee and he had not?—A. That is true. He had not recommended me. He said that military men never recommended anybody. But he told me. He said: "I hope you will get the appointment." But he said it was a rule among military men that a lower officer should never recommend any person to their superiors.

Q. Whilst you were endeavoring to get thus reappointed to the position of surgeon or physician, did you make any threats or say that if you failed you intended to make an exposé of the condition of things down at this agency?—A. No, sir.

Q. You never said anything of that sort?—A. No, sir.

Q. Did you have any conversation with Trader Barker before you started on to Washington on this trip you have told us of?—A. Oh, I several times talked with Mr. Barker.

Q. Did you have any conversation with him relative to your proposed visit to Washington and your purpose of getting this reappointment?—A. I do not remember that I told him I was going to Washington. I do not think I told any person there that I was going on to Washington.

By Senator CULLOM:

Q. You did not leave there to go directly to Washington, did you?—A. No, sir; I did not.

Q. Where did you go?—A. I went to Ohio, and I got to studying about this matter, thinking of this matter, and how I had been treated, and I thought that I was laboring under a stigma, and that I would go to the end of the earth but what I would find who had misrepresented me and done me that mischief.

By Senator BLACKBURN:

Q. Who was it that had written that letter you refer to against you?—A. It was Williams, the present agent.

Q. He had written a letter to the Commissioner of Indian Affairs about you, had he not?—A. Yes, sir; that is, I had learned this: that he had written the letter and Lee's name was to it.

Q. The Army officer who was acting as agent?—A. Yes, sir.

Q. Williams wrote the letter and Lee signed it?—A. I don't know whether he signed it or not; but his name was to it.

Q. Then he must have signed it. Did you see that letter?—A. I saw the letter.

Q. Who signed it?—A. I did not read it.

Q. Who showed it to you?—A. Commissioner Atkins did not show it to me, but it was with those papers, and it was written on the back "Captain Lee's letter." I know they opened it, but I did not wish to pry into it. I had heard that this man Williams had written the letter.

Q. Then you do not know what was in that letter?—A. Only by hearsay; what General Upshaw had said.

Q. That paper that you saw there was labelled, among the papers in the Commissioner of Indian Affairs' Office, "Letter of Captain Lee"?—A. Yes, sir.

Q. And you knew that was a letter against you?—A. I supposed it was the letter that I had heard came from Williams. General Upshaw will know all about it.

Q. Do you remember when Mr. Barker, the present trader, went to Washington?—A. Yes, sir.

Q. Did you have an interview with him before he went on to Washington?—A. I think I did.

Q. Did you ask him to try and get you an appointment?—A. I will tell you what I asked him. I told him to go to Commissioner Atkins and see what the trouble was, and I offered to pay him for his trouble. I said, "You go there and see what the trouble is, and I will pay you for your trouble in doing it, in going there to ascertain what the trouble is." I offered that. He agreed to do it, and said he would not charge me anything for it. I told him I was willing to pay him for his time and trouble in doing it.

Q. Did you say to him, substantially, that if you got reappointed he need not be surprised at receiving a package with two or three hundred dollars in it, and that he need not ask any questions about it?—A. No, sir.

Q. Nothing like that?—A. No, sir. I proposed to pay him for his trouble.

Q. What trouble would it cause him if he was going to the Indian Office at Washington anyway?—A. I looked at it in this way. If he went out of his way or put himself to any trouble——

Q. He was starting for the Indian Office at Washington, was he not?—A. I do not know.

Q. Did you not understand that he was going straight to the Indian Commissioner's Office?—A. He said he would be in Washington, and I told him to go there and find out these facts for me. I told him, said I,

"Mr. Barker, I will pay you for your trouble; whatever it is, I will pay you for it."

Q. You did not tell him that in the event of your being reappointed or getting a position that he need not be surprised if he received a package with money in it?—A. No, sir. I remember distinctly that I told Mr. Barker that I would pay him for what services he did for me.

Q. Do you know a man named Anderson?—A. Charley Anderson? Yes, sir.

Q. He is a Representative in Congress?—A. Yes, sir.

Q. Did you or not say to him, in substance, that unless you got an appointment you intended to make a disturbance about this thing?—A. Now, I will tell you about that. You know reporters are pretty thick in the East; and, of course, after I had been in Washington, knowing the way I was treated, I was importuned by the reporters, and especially by the reporter of the Cincinnati Commercial Gazette, to give them the facts.

Q. By the reporter of the Cincinnati Gazette, do you mean General Boynton?—A. I do not remember his name. But I told General Anderson that I was importuned by the newspaper men for a statement, and he told me that he expected to run for the nomination again, and he said, "Don't you do it." I told General Anderson that I would not, and I have not written a word, although I have taken notes; but that is my private property.

Q. You are saving them for the campaign of 1888?—A. Yes, sir.

By Senator CULLOM:

Q. Is General Anderson a Representative in Congress now?—A. No, sir; not now; he was defeated in the nomination. But he was in the last Congress.

Q. What are his politics?—A. He is a Democrat; and he proposed that I should not say anything.

Q. He coaxed you off, did he?—A. Yes, sir.

By Senator BLACKBURN:

Q. Supposing you had gotten an appointment, would you have been here testifying now?—A. It would depend on circumstances—whether I would have been subpœnaed or not. If I had been subpœnaed, I would.

Q. Did you tell General Anderson or not that unless you got an appointment you intended to make a blow about this thing?—A. Well, no; I did not. I told him this: That I had been importuned to make a statement, and that I had been badly treated; and he said I had been——

Q. Oh, we all agree to that.—A. I knew the boy. He went to school to me when he was a boy. I took a great deal of interest in the boy—raised him up—and he was a good Democrat after my own pattern, you know.

Q. He seems to have stuck to it longer than you did.—A. Oh, no, sir. I was a teacher when he was a boy. I know this, that during Grant's administration, perhaps, the Quakers had the recommendation and appointment of Indian agents, and men who were appointed agents were Quakers, a good many of them, and from the different churches, and they were good moral men. They were selected for those appointments, and, as a general thing, they were good moral men. And, as a matter of course, when anything is taken out of the hands of the church in that way, and is thrown in just simply for political reward, why

things will not be as morally conducted as they would be, perhaps, if those men were recommended by the church, or something like that.

Q. Do I understand you to say that you did not tell General Anderson that in the event of your failure to get an appointment you intended to tell things to the prejudice of the administration of this Indian Office under Commissioner Atkins?—A. I might have done it, but General Anderson said to me, "You should not do so." He said, "Doc., you hold on; don't you do it," and he went on and condemned matters a great deal worse than I did, don't you see.

Q. But it didn't happen to reach him precisely as it did you?—A. But something must have struck him somewhere.

Q. Now, this man Williams, who is now the agent at this place, was he not a clerk under the old or former Republican administration?—A. Yes, sir.

Q. And was he not promoted and appointed agent by this administration upon the removal of the Army officer who was temporarily there?—A. Yes, sir; I think so.

Q. He was a clerk under the Price administration, and upon the removal of Captain Lee, the Army officer temporarily detailed as agent there, Williams was promoted from the clerkship he had held under Commissioner Price's administration to the agency he holds under Commissioner Atkins's administration?—A. Yes, sir; I think so. Now, will you allow me to tell you how he got that appointment?

Q. Certainly.—A. I only saw in the newspaper how he got it.

Senator BLACKBURN. Well, I have some newspaper articles here myself, and if they constitute proof I would like to put them in.

By Senator CULLOM:

Q. I want to ask you one question as a matter of information. What was the fact under the previous administrations, so far as you know, as to the relative numbers of Republicans and Democrats holding those positions of Indian traders?—A. I do not think there was ever a question asked in reference to the matter.

Q. Were there any Democrats holding those positions?—A. Yes, sir; Mr. Hubbell, who was a trader, was an uncompromising Democrat, and Mr. Doty, a very elegant gentleman, I think he was a Republican.

Q. They were mixed up in politics, Democrats and Republicans, and nobody cared which they were?—A. Yes, sir; before the change of administration you hardly knew anything about politics in that respect.

Q. That was not a matter of concern?—A. No, sir.

By Senator BLACKBURN:

Q. Are not about half the traders at the Osage Agency Republican to-day?—A. I do not know, sir.

Senator BLACKBURN. I think they are.

TESTIMONY OF ELIHU C. OSBORNE.

ELIHU C. OSBORNE, having been duly sworn, was interrogated as follows:

By the CHAIRMAN:

Question. When were you appointed Indian agent at Ponca?—Answer. In August, 1885.

Q. Prior to that time who had been the agent there?—A. Dr. John W. Scott.

Q. Was Mr. Sherburne a trader there when you took charge of that agency?—A. Yes, sir.

Q. And he staid there how long?—A. The Department gave him until the 1st of February, and then I allowed Mr. Sherburne to stay there (and my action was approved by the Commissioner) maybe a month or two longer. I cannot call to my mind when he left exactly, but it was some time in April, I believe.

Q. That is when he finally left?—A. Yes, sir.

Q. Was Mr. Sherburne a satisfactory trader there?—A. So far as I have understood he was. I never heard anything to the contrary.

Q. Something has been said here about his having a cattle lease and cattle on the reservation. Did you know that that was anything which was forbidden?—A. Yes, sir; under a circular from the Department it was not allowed. However, this circular was issued after Sherburne's lease had been made, I take it; that is my recollection about it, although I am not positive in regard to it.

Q. Did you, or not, understand that it applied to Sherburne, to leases which had been already made?—A. I did not know how that would be construed.

Q. You made no question of that with Sherburne?—A. No, sir; the circular came in under Dr. Scott's administration and I stepped into his shoes; whatever he allowed I allowed.

By Senator CULLOM:

Q. You did not raise any question with Sherburne as to whether he was violating the regulation or not?—A. No, sir.

By Senator BLACKBURN:

Q. In your employment of men under you out there as agent on this reservation, do you draw the party lines tightly and employ Democrats to the exclusion of Republicans, or not?—A. I never have asked an employé such a question in my life, whether he was a Democrat or Republican. I ask him if he can do certain work and if I found he could not do it I would discharge him. I have employés there under me that were under Dr. Scott. I take it they are Republicans, or Democrats, but I never have asked them and could not tell you to-day whether they are or not.

Q. What was the course of the Commissioner of Indian Affairs Office towards Mr. Sherburne as to the period fixed for his removal and the closing up of his business; was it arbitrary, unjust, and unfair towards Mr. Sherburne, or the contrary?—A. Mr. Sherburne did not think it was unjust himself.

Q. Did you have any conversation with Mr. Sherburne on that subject?—A. Just casually. He was very well satisfied with it.

Q. He was satisfied with the treatment that he had received from the Commissioner of Indian Affairs?—A. To me he was; he never made any objection.

Q. Was he hurried off after a fashion to necessitate and involve a heavy loss to him, or was he given every opportunity which was reasonable to close up his business and get away without loss?—A. He was allowed every opportunity that could be given, and in fact all that he wanted, that is, so far as I understood from Sherburne himself. Mr. Sherburne had a good deal of corn there in the cribs that he had bought from the Indians, and if it had been sold just at the time he left he would have had to sell it at a loss.

By the CHAIRMAN:

Q. He would have had to carry it up to the settlement?—A. Yes, sir; if it had been removed. I allowed him to keep it there and my action was approved by the Commissioner, and it was sold to contractors on this road that has just gone through there. I believe that is the way he got rid of it.

Q. It was sold to better advantage there than if he had had to freight it up?—A. Yes, sir; I think so.

By Senator CULLOM:

Q. Would he have made anything out of it otherwise more than five or eight cents a bushel?—A. He gave forty cents a bushel, and he could not have gotten more than twenty or twenty-five cents a bushel.

Q. And it cost seventeen cents a bushel to bring it up, so that practically he would have lost it all?—A. Yes, sir.

By Senator BLACKBURN:

Q. When you reported to the Department what you had done in the way of accommodation and extension of time to Sherburne, what reply did you get from the Commissioner?—A. They said they were glad of it.

Q. How did you get it?—A. Through the office.

Q. In the shape of a letter?—A. Yes, sir.

Q. Have you that letter?—A. Yes, sir.

Q. Please let us see it.

The witness produced the following letter, which was read by Senator Blackburn:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 30, 1886.

SIR: In reply to your communication of the 22d instant, requesting the approval of your action in allowing J. H. Sherburne, a former trader at the Ponca Agency, to leave a lot of corn upon the reservation until he could dispose of the same, it is clear to this office that you pursued the proper course under the circumstances, and that your action was prompted by a desire to favor the Indians, and the same is approved.

Very respectfully,

J. D. C. ATKINS,
Commissioner.

E. C. OSBORNE,
U. S. Indian Agent Ponca, &c., Agency, Ind. Ter.

By the CHAIRMAN:

Q. Have you ever been an Indian agent before?—A. I have not.

Q. Or had any connection with the Indian service in any way?—A. No, sir; never.

Q. From the experience which you have had I want to know what your conclusion is as to whether this system of licensing traders with their licenses expiring every year is the best system which could be adopted for the Indians?—A. I think not, sir.

Q. What do you think would be a better system?—A. I should think that a license for four years would be better, as the traders are necessarily compelled to sell to the Indians on credit; they have not the ready money, and have to wait through the different annuity payments. I believe a four-year term would be much better.

Q. You would have them removed for any misconduct, of course?—A. Yes, sir; for misbehavior.

Q. Otherwise you think it would be better for them to have a four-years' lease?—A. I rather think so.

By Senator CULLOM:

Q. When the lease expires and it is desired to appoint a new trader, what sort of legislation would you recommend with reference to the old trader in the matter of his getting rid of his stock of goods; would you recommend any arbitration or settlement requiring that the old trader should be bought out?—A. No, sir; I think there is something in the regulations just about as good, or if it is not in the regulations I have gotten the idea into my mind in some way, and that is, for instance, I am a trader; I have been appointed, and this gentleman is the present trader, and he selects one person and I select another, and those two select a third man, and they go through the stock and put a valuation on it; that is to say, if this man and I cannot agree.

Q. That is leaving it to a board of arbitration, practically, to settle the question of the value?—A. Yes, sir.

Q. Then would you require that the incoming trader should buy the goods at that appraised value?—A. Yes, sir; I rather think so.

Q. So that there should not be this constant anxiety about the loss of their property when they have to leave?—A. Yes, sir. I do not think such a regulation should go any further than to make an appraisement of the value of the goods; I would not include the houses or improvements.

Q. You do not think they ought to be taken into consideration?—A. No, sir.

Q. You think the owner ought to take care of them to suit himself?—A. Yes, sir. Here is my idea: a man may in four years build a house worth eight or ten thousand dollars. Well, I do not care to pay eight or ten thousand dollars for a house, although it may be worth it, you understand?

Q. I understand you. You think a man ought to have a choice of living in a small house if he wants to?—A. Yes, sir.

By the CHAIRMAN:

Q. What is the effect of frequent changes in traders upon the Indians themselves; is it a good thing for the Indians to have frequent changes of traders?—A. I rather think not, for this reason: An Indian is straighter about paying his debts than a white man, I am sorry to say, and he may be hungry to-day at this annuity payment. Well, he owes Mr. Sherburne say, and Judge Halley, and Mr. Sherburne may have authority to be on the reservation during the annuity payment, as several of them have who are there now. Now, this Indian thinks to himself, inasmuch as I have owed Mr. Sherburne a longer time than I have owed Judge Halley, Sherburne is more anxious for his money; in other words, I will wait until my next annuity payment to pay Halley. He does Halley an injustice in that, as Halley possibly cannot carry him any further, and he pays all the money due to this trader that is out.

Q. It is not practicable for the traders to do a cash business with the Indians, is it?—A. It is not at my agency; I never have been at any other agency, and could not say how it is elsewhere.

Q. Where they get their annuities only once in six months, a trader would have a trade for a few days and somebody else would have gotten the annuity and then they would starve?—A. Yes, sir.

By Senator CULLOM:

Q. So that you think when a good man is a trader at a post it is better for the Indians that he should be retained?—A. Yes, sir; if he is a good man.

By the CHAIRMAN:

Q. And if he is not a good man he should be there anyway?—A. No, sir; certainly not.

TESTIMONY OF REUBEN A. HOUGHTON.

REUBEN A. HOUGHTON, having been duly sworn, was interrogated as follows:

By the CHAIRMAN:

Question. Did you at any time have any conversation with W. J. Hodges with reference to his negotiations with Mr. Sherburne for purchasing his stock and effects?—Answer. Yes, sir.

Q. State what it was, if you please.—A. It was nothing more than this: that during the time Mr. Hodges was going there, I think, I asked the question of Mr. Hodges why he did not buy Mr. Sherburne out, and he said he had tried to buy him out but Mr. Sherburne said he did not care to sell or care to entertain a proposition at that time in regard to selling.

Q. And he gave that as a reason why he did not buy him out?—A. I do not know that he gave it as a reason, but he said he did not think he could buy him out. Mr. Sherburne seemed to think that he could stay there and that he would have to buy him out.

Q. Was that all the conversation you had with Mr, Hodges?—A. I do not know that that was all.

Q. But it was all with reference to that point?—A. Yes, sir; nearly all; perhaps all.

By Senator CULLOM:

Q. Do you live here?—A. Yes, sir.

Q. Are you in business here?—A. I am not now, but I have been.

By Senator BLACKBURN:

Q. Where you ever in partnership with Mr. Sherburne as an Indian trader?—A. Yes, sir.

Q. Where?—A. At Ponca Agency.

Q. The tradership that Mr. Hodges afterwards took?—A. Yes, sir.

Q. Was that the first Indian tradership that Sherburne had?—A. Yes, sir; that was when the Indians first went there.

Q. You were a partner of his when he first went there?—A. I was interested with Mr. Sherburne; yes, sir.

Q. Who had the money, you or Sherburne?—A. We didn't either of us have very much.

Q. How much did he have when he was first appointed an Indian trader?—A. I guess he was like the balance of the people here then, they didn't have but little money.

Q. Did he have any capital to begin that tradership with?—A. No, sir; not in the start he did not, when he first started in.

Q. Who furnished the license?—A. Mr. Sherburne did.

Q. Did you put in any money?—A. Yes, sir.

Q. How much?—A. I put in about a $1,000 or $1,200 when we started in there.

Q. Was your name in the license?—A. No, sir.

Q. Sherburne furnished the license and you furnished the capital?—A. Yes, sir.

By the CHAIRMAN:

Q. Did Sherburne attend to the business?—A. We were both there all the time, both lived there and staid there all the time while I was with him. I was there less than a year and a half.

Q. And he bought you out?—A. Yes, sir.

By Senator BLACKBURN:

Q. When that license was reissued, in whose name was it issued?—A. In Mr. Sherburne's name.

Q. Was that with your consent?—A. Yes, sir.

Q. You consented that he should take out a new license in his own name without your being in it?—A. Yes, sir.

By Senator CULLOM:

Q. It was in his own name first?—A. My name was never in the license. I was appointed as clerk and was always carried that way while I was there.

By Senator BLACKBURN:

Q. You have told us that Sherburne went into business without capital. Did he make money during that seven years that he was an Indian trader?—A. Not while I was there.

Q. Did he afterwards?—A. I think he did; I think he made some money there.

Q. Did he make any money anywhere except in his business as an Indian trader during those seven years?—A. Yes, sir; he made some money in cattle.

Q. Did he not lose $20,000 in cattle?—A. Well, I guess he made it in cattle before he lost it.

Q. But he lost it, did he not?—A. I do not know how much he lost.

Q. You have been his partner; answer this question: Where did Sherburne's property, the house he had, come from; did he make it out of his work as an Indian trader or otherwise?—A. I think the most was made out of property which he held here in town.

Q. Where did he get that money to invest in real estate?—A. It took very little at that time. I do not think he ever put any of his own money into it, that is my understanding, or very little anyhow.

TESTIMONY OF F. W. TIEMAN.

F. W. TIEMAN, having been duly sworn was interrogated as follows:

By the CHAIRMAN:

Question. What is your business?—Answer. I am a brickmaker and mason.

Q. Are you at work now in Arkansas City?—A. Yes, sir; I have been.

Q. Have you ever had a license or permit to keep a hotel or a mess-room, I do not know which it is called, in the Indian Territory?—A. Yes, sir; it is only a permit to run an accommodation for traders' clerks and agency employés and such travel as comes through there. It is a boarding-house.

Q. Did you have to give a bond?—A. No, sir.

Q. Did you have to get a permit?—A. Yes, sir.

Q. A written one?—A. Yes, sir.

Q. For how long?—A. There was no stipulated time to it.

Q. From whom did you get it?—A. From the Commissioner of Indian Affairs, Mr. Price.

Q. Do you understand that anybody can keep a boarding-house there without a permit?—A. No, sir.

Q. Who in fact conducted the boarding-house?—A. My wife.

Q. Do you keep that boarding-house now?—A. No, sir.

Q. Was your permit revoked or did you want to have it renewed; what was the situation?—A. As long as Colonel Hunt was our agent there, he said it was not necessary to have the permit renewed. But when Captain Hall came there was a change of administration, and I went to him and asked him if there was any cause to renew the permit and he said it would be better to do so. I told him I would make out an application, and I wrote out a request or application for a new permit, stating that I was ready to give a bond the same as a licensed trader and to run my hotel under a tradership, and sent it on with Captain Hall's approval—that is, he told me he would approve it and send it on for me. In probably twenty days afterwards it was returned, as he told me, "with a black eye," although there were two mess-houses, one bakery, and a laundry there.

Q. Did they all have to have permits?—A. Yes, sir; they did. That was returned, as I say, with what Captain Hall called "a black eye." I went to him and asked him what the result of this was going to be. He says, "I guess we will make that all right; I will surely recommend yours;" and I wrote out a new application.

Q. That was before you sent it?—A. No, sir; the second one never went. At the same time a gentleman named Sneed was stopping at my house; we had been out hunting, and he overheard what Captain Hall had said to me when we returned.

Q. What was Sneed's full name?—A. I do not remember his initials.

Major OSBORNE. It is R. A. Sneed.

The WITNESS. He is an Indian trader at Fort Sill, and he also has a tradership at Anadarko now, I believe. Sneed said he would see Commissioner Atkins on his trip homewards and that he would request I be left there.

Q. Did he represent himself to be an acquaintance and friend of the Commissioner?—A. Yes, sir. So I went to Captain Hall two or three times with my application and asked him to sign, it so that it might be sent off for renewal, and he kept putting me off, and finally about a month afterwards, when I had been up in the country to the Chickasaw Nation, I came home in the night and found a letter there from Captain Hall asking me to remove myself and my effects in twenty days. The letter was from Captain Hall, the agent, but was supposed to have come from the Commissioner of Indian Affairs.

Q. As you understood, it was a notice which he was directed to give to you?—A. Yes, sir; a copy of a notice he had gotten from the Commissioner of Indian Affairs. But before the end of the twenty days came there was a letter came from Sneed where he had had his conversation with the Commissioner of Indian Affairs, stating that if Captain Hall would sign my application the permit would be renewed at once; that there was no cause for my being removed at all. I went over to Captain Hall, who is the agent there at the Washita Agency, and showed him the letter. He stepped back and answered, "I will not sign your application." He says, "I have got a friend I have promised this place to and I am going to have him here." He says, "One hotel is enough. You and Mr. Lemons will have to remove, and Mr. Irvin will come here"; that is the man he wanted to come.

Q. When he said that did he use any profane expression?—A. No, sir; he did not.

Q. He said that he had a friend that he wanted to have that place, and he was going to have it?—A. Yes, sir. I then waited until my twenty days were up, and during that time my wife was subpœnaed to court at Graham and she was gone. I went to him and asked him for a permit to remain until she came back. He said "Very well, to remain until she came back." During this time Inspector Gardiner came down and I went and saw him, as I had met him several times before, having worked eight years in the agency, and I asked him why it was that I was to be turned out of there, as my labor was needed on the place, I thought, being a mason, and I always had been kept busy there. He said he would see Captain Hall and indorse my application himself. He said, "Certainly we need you here." So the next day Inspector Gardiner sent for me to come to the office, and I went there and he says, "Make your statement again to Captain Hall." I did so, and Captain Hall reared back and said, "I cannot sign your application; you have hid out a horse thief." I says to him, "It is probable that you lay that to George Fox." He says, "Yes." I says, "Agent, George Fox is no horse thief; if he is why don't you take him; he is at Washita Falls, at large, ready for you to take him. Besides that, hiding him out I didn't. He came to my house, of course, in the evening and left in the morning. But he came to my front door and came in when two of your officers were present. They were there when he walked into the house. He got his supper and came back to the office and sat down and talked to them and then asked for a private room and I gave it to him, and the next morning after breakfast he rode away."

Q. Well, there was nothing to that then?—A. No, sir; there was nothing to that. He told me, though, that I knew that he wanted a man there who would come and tell him things, so that he would not have to hunt them up. I told him then (I was a little to blame I suppose for that)—I told him that he would be grayer than a badger if he sat there and waited for me to come and tell him stories; that I didn't carry no stories. I said, "If Fox had been a horse thief I should have certainly taken him, for I have volunteered my services at this agency four or five times to catch horse thieves and furnished horses and everything to go and get them."

Q. But, as I understand it, he told you at first and all along, that he would favor your application?—A. Yes, sir; he did.

Q. Then when you brought to him Sneed's letter saying that the Commissioner said if he would recommend you you would be appointed, he then said he was not going to recommend you, but was going to recommend a friend, and that friend was going to have the place?—A. Yes, sir.

Q. And he said nothing then about any charges against you at all?—A. No, sir; he did not.

Q. He had been giving you to understand up to that time that he would help your application?—A. Yes, sir.

Q. Who is Captain Hall?—A. Captain Hall gains his name of captain by being the captain of the Rangers in Texas.

Q. What are the Texas Rangers?—A. They are a police force, as well as I can make it out.

Q. He is a Texan who has been appointed agent there?—A. Yes, sir.

Q. How did you come out with your investment there?—A. Well, I left there, as Captain Hall and I had some hard words after that.

Q. I do not want to go into that.—A. I went away and my wife remained at the house as Irvin had not come to take the place yet, and he said it might run until Irvin came. When Irvin came I gave her power of attorney to sell it or dispose of it the best way she could and I came away. Last spring she wrote me and told me that Irvin would not give her but $800 for the place, and I wrote back and told her she had better take it. Captain Hall came home and after Hall came Irvin came and told her that if she wanted $800 for the place, a pair of cows that was there, and the groceries that were on hand in the hotel at that time, about $80 worth, she could take it; if not he would go and open the other house. She told him she would not take it, and then Captain Hall sent word over to close up the house and to move into the other. A day or two afterwards my wife went to Irvin and told him he could have it for $800, as she needed money to go away with, and she took $800 for the property.

Q. How much did the property cost?—A. My building account, outside of my labor, was $1,300. First, I paid $805, and then I bought material and remodeled the house. It was an old shell and I remodeled it, and my building account was $1,300 and something over, $1 or $2 over.

Q. Aside from your work as mason?—A. Yes, sir; aside from that.

By Senator CULLOM:

Q. Was it a brick house?—A. No, sir; it was a picket house, but plastered inside and out. When I got it it was canvas on the inside.

By the CHAIRMAN:

Q. How much was your whole investment?—A. About $1,800.

Q. Your loss, then, was about a thousand dollars?—A. Yes, sir.

Senator BLAKBURN. I want right here to make a note in the record, or a suggestion, that under the resolution we are acting upon I do not think we have any power to inquire into this boarding-house license. I think this grievance is outside of the scope of the resolutien. I have no questions to ask.

TESTIMONY OF L. A. WISMEYER.

L. A. WISMEYER, having been duly sworn, was interrogated as follows:

By the CHAIRMAN:

Question. What is your full name?—Answer. Louis A. Wismeyer.

Q. Of what place are you a native?—A. Of the State of Ohio.

Q. How long have you been connected with the Indian service in any way?—A. Very nearly nine years; it will be nine years next month.

Q. In what capacity were you connected with it at first?—A. I was chief clerk at the Osage Agency for a number of years.

Q. Under whom?—A. Under L. J. Myers, the Indian agent.

Q. You were his chief clerk?—A. Yes, sir.

Q. Were you ever a trader?—A. Yes, sir.

Q. When did you get a license as trader?—A. In November, 1884.

Q. How long did you hold it?—A. I held it until I was fired, November 15, 1885.

Q. That is, for one year?—A. Yes, sir.

Q. Your license was not renewed?—A. No, sir.

Q. I want to ask you a little about the Osage Agency. In the first place, how large a reservation is it?—A. It contains about a million and a half acres of land.

Q. How many Indians have they in the reservation?—A. I believe the last enrollment was between fifteen and sixteen hundred.

Q. That includes all kinds, full-breeds and half-breeds?—A. Yes, sir; and quarter-bloods and sixteenths and all; everything entitled to it.

Q. Do they all live on the reservation?—A. Yes, sir.

Q. How many traders' stores were there on the reservation during the time you were on the list?—A. There were four at the time I commenced, but there have been more since then. There were some granted, I think, during the time I had a license, at least one more.

Q. Take it at the time you left, how many stores were there, five?—A. It was either five or six; there were six.

Q. What is the distance through the reservation from one side of it to the other?—A. We generally call it about 60 miles square. It would be about 50 to 60 miles east and west or north and south, the farthest point.

Q. Where is the agency located on the reservation?—A. In very nearly the center of the reservation.

Q. How do those Indians live; do they have any homes; permanent homes?—A. Yes, sir; a great many of them have.

Q. Where are the Indians located as to homes on the agency?—A. They live on the streams, on the Arkansas River and on the different creeks running through the reservation.

Q. They are not all congregated about the agency proper, then?—A. No, sir.

Q. Where were those stores located at the time your license expired?—A. I made a mistake as to the number just now; there were seven stores.

Q. State where they were and whose stores they were?—A. One of those seven stores I was interested in. It was what we called a branch store, and I had an interest in that branch store.

Q. Where were those stores?—A. There were at that time five stores at the agency and two at Gray Horse.

Q. Where were the Indians in the distribution throughout the reservation with reference to the stores; their proximity to the stores?—A. What we call the big hill Indians lived in the vicinity of the Gray Horse store, about five hundred of those on the tributaries.

Q. You have a place there called Hominy Creek?—A. Yes, sir.

Q. How many Indians are there over in that section?—A. Between three and four hundred I should judge; I think about that.

Q. How far are those two places from the agency?—A. I do not know, as I never have made the trip from one store to the other, but it is commonly called about 30 miles.

Q. I mean how far is it from the agency to Gray Horse, or from the agency to Hominy Creek?—A. It is about 25 miles from the agency to Gray Horse, and about the same distance from the agency to Hominy Creek, and very nearly the same distance between the Hominy Creek and the Gray Horse stores.

Q. They are located in a kind of triangle?—A. Yes, sir.

Q. How many Indians would that leave about the agency, or in that neighborhood? You have about five hundred at Gray Horse and about three or four hundred in the neighborhood of Hominy Creek?—A. Well, there may not be quite four hundred at Hominy Creek, say between three and four hundred there.

Q. Some of those Indians live near the Kansas line; half-breeds?—A. Yes, sir; many live near the Kansas line, on the northeastern part of the reservation.

Q. Is there any subagency at Gray Horse or Hominy Creek?—A. No, sir.

Q. Does the agent have a clerk at either of those places?—A. No, sir.

Q. Where is what is called the Kaw Agency?—A. That is 35 miles northeast of Osage; it was originally part of the Osage Reservation.

Q. Is it a reservation now?—A. Yes, sir; to itself.

Q. Is there an agency there?—A. No, sir; it is under the charge of a superintendent, commonly called a subagent, I believe. It is under the charge of the agent at the Osage Agency.

Q. Do they have a trader at the Kaw Agency?—A. Yes, sir.

Q. How long has that been so?—A. I think there has always been a trader there since the agency was established, at least ever since I have been in the country, and that has been nine years. There was one there when I came.

Q. According to your best estimate, how much trade was there in that Indian agency, and how was it distributed as between Osage, Gray Horse, and Hominy Creek?—A. The store at Hominy Creek is comparatively a new one, and has not been in existence more than two or three months.

Q. Then we will talk about the agency store and the store at Gray Horse as they were when you were there. How was the trade distributed as between those two points, I mean approximately?—A. There has always been more trade at the agency than at Gray Horse, from the fact that there were more stores there.

Q. Do you mean to say there is more than one store at Gray Horse?—A. No, sir; not now.

Q. Do you mean to say that one store there would get nearly as much trade as all the stores at the agency?—A. No, sir; I think not.

Q. Give your own estimate or idea of the amount of trade there was at the different places?—A. I have no means of ascertaining that fact.

Q. Haven't you a definite idea about it; you have been on the reservation?—A. While I was interested there we had a very fair trade, almost as good as we had at the agency. There were two stores at Gray Horse at that time, however.

Q. About the time when your license expired, who were the traders at the agency?—A. There was John B. Hamilton, John R. Skinner, Bartles & Pratt, Hale & McCague, and Wismeyer & Bird, this Mr. Bird who is trading there now and myself.

Q. Then there were five traders there?—A. Yes, sir; five at the agency.

Q. Hamilton and Skinner were alone in business?—A. Yes, sir; they were separate institutions.

Q. Then there was Hale & McCague, Bartles & Pratt, and Wismeyer & Bird?—A. Yes, sir.

Q. What traders were there at Gray Horse?—A. There was Finney & Schiffbauer at that time, and Bartles, Bird & Wismeyer was the other firm. Bartles had an interest in furnishing the branch store.

Q. Was there any store at that time at Hominy Creek?—A. No, sir.

Q. You are still at the agency in some capacity, are you not?—A. Yes, sir.

Q. How many stores are there at the Osage Agency now?—A. Four.

Q. Which store has gone out; you say there were five?—A. There have been several changes, and the firm of Hale & Phillips have gone out and are now at Hominy Creek. McCague has gone out and has not been in that business for some time.

Q. Taking it by buildings, the store in which building has gone out?—A. The building formerly owned and occupied by J. B. Hamilton has been vacated; it is now occupied as a hotel.

Q. How many stores are there now at Gray Horse?—A. One.

Q. And you say there has been another one established?—A. That was on Hominy Creek.

Q. So that there are just as many stores there now as there were before?—A. No, sir; there are but six there now altogether.

Q. The Hamilton store has gone out and the one at Gray Horse?—A. But the firm I was interested in had a branch store, which made the seventh store, and that is not in existence now, so that there is one less than formerly.

Q. You had a license to have a branch store at Gray Horse?—A. Yes, sir.

Q. You were in a year?—A. Yes, sir.

Q. Did you try to get your license renewed?—A. No, sir.

Q. Why not?—A. Well, I sold out to another party; I sold my interest to another party.

Q. To whom did you sell?—A. To W. B. Hixson.

Q. Did you want to leave or quit?—A. Well, I understood that I could not get a license, and I thought I would sell out.

Q. How did you understand that you could not get a license—A. I received notice that the license would not be renewed.

Q. Notice from where?—A. From the Indian agent.

Q. Did he give any reason for it?—A. He had a notice from the Department to that effect—a letter.

Q. Was any reason given for it?—A. No, sir.

Q. Was there any objection to you so far as you know?—A. None that I know of.

Q. I mean as to your methods of conducting trade?—A. None that I know of.

Q. Which agent was it who notified you that you would not be relicensed?—A. His name is Frederick Hoover.

Q. Where was Hixson from?—A. He was from Indiana.

Q. Where was Hoover from?—A. He also was from Indiana.

Q. Did Hixson make any representation to you as to the way in which Hoover got his appointment?—A. I do not know that he made any particular representation. He was a friend of Hoover's and came there with him.

Q. Did he claim to have secured Hoover's appointment himself?—A. I do not know that he claimed that; no, sir. He was one of Hoover's friends and had certainly as much to do with it as any one friend.

Q. Did Hixson have any money?—A. No, sir; he did not just at that time. He had prospects of getting some money, he told me.

Q. What did he say when he came out there about his license as a trader?—A. He had no license when he came there. He was at the agency some time, and while he was there I met him quite frequently and we finally talked up a trade. He told me he was looking for something in the West, that he wanted to come West, and finally he said he thought he would like the traders' business, and I wanted to sell and I sold to him.

Q. He had no license until after you sold to him?—A. No, sir; not until after I agreed to sell to him.

Q. Did you understand whether or not he came there to look the tradership business over and see if he could get an appointment?—A. No, sir; I think not; I never understood that.

Q. What did he come for?—A. I do not know. He came with Hoover. He was a friend of his and he came there as a great many other men do coming West, to better his condition; that was the understanding. He wanted to get into something, he did not know what.

Q. Well, you took his notes?—A. Yes, sir. When I agreed to trade with him he expected to have some money in a very short time. He took some thoroughbred cattle to Texas and expected to realize some money from them. He also had property at his Indiana home which he expected to sell in a very short time.

Q. But he did not get the money?—A. He was unfortunate in Texas, lost a good many of his cattle and failed. He had thoroughbred bulls which he shipped to Texas, and a great many of them died and he lost money and could not make the payment at the time agreed upon.

Q. He set up trade, did he?—A. Yes, sir.

Q. On his own account, attending to it personally?—A. I sold him simply my interest, and Mr. Bird, my former partner, and he joined in the license together and continued the business.

Q. What was the style of the firm then, Bird & Hixson?—A. Yes, sir.

Q. Did he give his personal attention to the business?—A. He was there a part of the time, but he was in Texas most of the time overlooking these cattle. That was quite awhile after he first made the trade.

Q. How long after he took possession was it before he sold out?—A. It was perhaps eight or nine months, I think.

Q. What portion of the time was he there?—A. Well, he made several trips to the agency; four or five probably.

Q. Staying there how long?—A. He was there several times during my absence. I do not know how long he staid; probably a week or so at a time.

Q. But most of his time he was devoting to this Texas business?—A. Yes, sir.

Q. What became of him and his interest?—A. He subsequently sold it to Mr. R. E. Bird.

Q. Did he make anything out of it?—A. Not very much.

Q. Did you pay him a bonus to transfer to Bird?—A. No, sir; Bird paid him for his time and reimbursed him for his expense in the matter and so on. He was unable to meet his payments.

Q. Didn't he get a thousand dollars out of it?—A. No, sir.

Q. Or $600?—A. Perhaps in that neighborhood; about that I think.

Q. Before you sold out to Hixson, or during that time, did a trader named Ellison put in an appearance there?—A. Yes, sir.

Q. George C. Ellison?—A. Yes, sir; George C. Ellison.

Q. About what time did he get there?—A. He came there about the time that Bird and Hixson were getting their license.

Q. About the time you were selling to Hixson?—A. Yes, sir; about that time.

Q. Did Ellison make you any proposals to take your business?—A. Yes, sir.

Q. So, then, he must have come there before you finally made the transfer to Hixson?—A. It was just about that time, I think; at least it

seems to me it was about the time they had gone to Washington or somewhere; they were not at the agency. They were at the agency part of the time but not the day that he made that proposition or talked trade to me.

Q. What did he say about trading with you?—A. Well, he had been there some time. I knew who he was from street talk; I knew that he was a licensed trader, that he had a license to trade.

Q. Was it a definite license to trade at Osage?—A. I presume so; I never saw it and do not know anything about it. I understood it was a license to trade at Osage, but I never saw it.

Q. You did not understand that he could have a license to trade either at the Osage, Cheyenne, or Arapahoe Agency as he chose to select his place?—A. Well, he made all kinds of representations himself, but no one believed they were as wonderful as he made out.

Q. What did he say?—A. He had been there some time before he ever spoke to me. But he spoke to me one day and said, "I presume you know who I am?" I told him yes, I knew what his name was. He said he would like to have a talk with me and wanted to know where he could go to talk without being disturbed. I invited him over to my house; told him we could go over there. He wanted to know how much money a man could make out of that business. I told him it would depend upon how it was managed and run a good deal. I did not feel inclined to give him much information about the business. I thought he could find out as I did if he wanted to. He finally wanted to know if he joined interests with me if we could not make eight or ten thousand dollars a year apiece. I asked him if he meant that it would pay sixteen to twenty thousand dollars for one store, and he said yes, that is what he meant. I told him I doubted it very much and did not think it could be done. Then he went on, I do not remember his exact words, but he represented that he could do as he pleased about it; that he could have all the stores cut off, or nearly all of them, and dictate who the traders should be or anything of that kind, and he told me that I could not get a license. I told him I was aware of that fact; that I had been so informed, and he suggested that he go in with me, and I told him then that he had just remarked that I could not get a license, and how was he going to manage it. He said he could fix that all right, and finally he remarked, "How would it do to fix this up? I can have your name put in and we will call it Ellison & Wismeyer. I will leave you here to manage the business, as I do not know anything about it; and I have got a position in Washington that pays me four or five thousand dollars a year, but it takes all that to keep my wife and daughter clothed as they ought to be in the society they move in, and," he says, "I want this as an outside matter." I told him I did not feel like entering into a business of that kind. Well, he reminded me again that I could not get a license, and I told him that was all very well, but that I hoped that I would not lose what I had; that I had worked hard for it and did not want to lose it.

Q. Did he state what his means of influence were?—A. He told me that he had no money.

Q. In what did he represent his ability to manage everything at Washington consisted?—A. I presume he wanted to frighten me. He pretended that he could do as he pleased; that the Departments were under obligations to him, probably, and such things as that. He did not go into details about that part of it. He simply told me he could manage the thing all right; that there would be no trouble about that.

Q. Did he say that Commissioner Atkins would do anything he wanted him to do?—A. I do not know that he mentioned any names. He simply said that he could manage the thing all right.

Q. What became of Ellison then?—A. I believe he tried other parties as well as myself but failed. He went to Cheyenne and was gone several weeks and returned, but I had nothing more to do with him after that; in fact I left the agency before he returned from Cheyenne.

Q. Do you remember any remarks that he made about the Commissioner?—A. No, sir; I heard tell of remarks that he made, but I was not at the agency at that time. While he was at Cheyenne Agency I left the agency and was gone some time.

Q. I have heard of some remark that he made about Assistant Commissioner Upshaw that was not exactly complimentary; did he make that remark to you?—A. No, sir; that was while I was absent from the agency; he made that remark to other parties; I did not see him at his second visit at all.

Q. Do you know, of your own knowledge, whether any protests, representations, or statements were sent from the agency to Washington describing the way in which Ellison was going on there?

The WITNESS. Of my own knowledge?

The CHAIRMAN. Yes.

A. No, sir.

Q. But you heard that such statements were made?—A. Yes, sir.

Q. Was there an investigation about it?

The WITNESS. About Ellison's conduct?

The CHAIRMAN. Yes.

A. I do not remember any. When I got back to the agency I learned that Ellison's license had been canceled, and I heard nothing further from him.

Q. Who has the store at Gray Horse now?—A. Branham & Sheddan.

Q. Has Branham any other store?—A. No, sir; not that I know of.

Q. Has he had two stores?—A. He did have two stores last year.

Q. One at Gray Horse?—A. Yes, sir; one at Gray Horse and one at the agency.

Q. Who has got the store that he had at the agency now?—A. Harris Brenner, I believe is the name.

Q. Where did he come from?—A. He came there from Kaw Agency; he had been a trader at Kaw.

Q. What has become of the store that you formerly kept at Gray Horse?—A. That is abandoned; we removed the goods to the agency.

Q. Do you know why?—A. Because we understood that there would not be any more trade there, and the license was canceled; Mr. Bird, I believe, had it canceled.

Q. Is Mr. Bird here?—A. Yes, sir.

Q. But the other store at Gray Horse goes on?—A. It was the intention at that time, I believe, to discontinue the stores at Gray Horse; that was my understanding.

By Senator CULLOM:

Q. Both of them?—A. Yes, sir.

By the CHAIRMAN:

Q. But instead of that Branham has given up his store at the agency and conducts his store at Gray Horse?—A. Branham was not in the country at that time. The other firm at that time was Finney & Schiffbauer.

Q. At the time your store was discontinued you understood both stores were to be discontinued?—A. Yes, sir.

Q. You say it was the intention of the Commissioner, as you understood it, to discontinue both stores at Gray Horse?—A. That was my understanding of it, though I never had any conversation with the Commissioner about it, or with any one in the Department.

Q. You derived your knowledge, then, from whom?—A. I derived it from Mr. Bird and from the agent at the agency. It was the general understanding; everybody understood it so.

Q. The whole agency understood it so?—A. Yes, sir.

Q. Who was the agent there?—A. Frederick Hoover was agent at that time.

Q. Was it the understanding of all the traders there that the business at Gray Horse was to be discontinued and all the trade thereafter was to be carried on at the agency?—A. Yes, sir; that was the understanding at the time.

Q. Then Mr. Branham came there?—A. Yes, sir.

Q. And he still manages to keep the store at Gray Horse?—A. About the time they were to be closed, after we had removed to the agency (we removed ours, I think, some time in October), the other store had permission to run until January 1st, I believe; at least we understood so. But about that time Mr. Branham got two licenses, one for the agency and one for Gray Horse under the firm name of Branham & Schiffbauer. Schiffbauer was the former owner of the Gray Horse store. That was a little over a year ago—a year ago last January.

Q. How long did they continue to run the two stores?—A. Until the latter part of December last; just prior to the 1st of January they made a change.

Q. Now, you say it was the understanding there among the traders and with the agent at the agency, that the Gray Horse trade was to be stopped, and the trade was all to be carried on thereafter at the agency?—A. Yes, sir.

Q. What is the feeling at the agency now about it?—A. The traders at the agency feel still as though it ought to be there, and they always have felt so.

Q. Why did you understand that the trade at Gray Horse was to be abandoned and concentrated at the agency; what was the reason for it, as you understood it?

The WITNESS. What was the Department's reason for it?

The CHAIRMAN. Yes.

A. I could not say that. I do not know what object they had. There had been considerable complaint at that time. The traders at the agency were all dissatisfied and other people were dissatisfied. There had never been a store there before only a year before that time; it had only been running a year, and a great many of the Indians were dissatisfied about it.

Q. What was the effect upon the agency and upon the Indians at that agency of having a store at Gray Horse?

The WITNESS. In what way do you mean?

The CHAIRMAN. I mean do these big hill Indians come over to the agency if they have a store over there?

A. No, sir; not very often.

Q. It secludes them from the agency?—A. Yes, sir.

Q. Don't you understand that was the main reason?—A. I understood you to ask what effect it had on the Indians at the agency.

Q. No; I mean on the Indians at the reservation. Don't you understand that was the main reason why the trade was to be discontinued there; that it was better it should all be at the agency, and then the Indians would all have to come to the agency?—A. That is the argument of the parties there. They say there would be more competition at the agency than where there was only one store. There were four or five stores there at the agency.

Q. And practically the Indians in that locality became dependent on one store?—A. Yes, sir.

Q. Is that the cream of the business down there now, the Gray Horse store?—A. Yes, sir, I think so.

Q. And the other traders down there, then, feel as if Branhan had got and was keeping the cream of the business after the Commissioner had announced his intention of concentrating the business at the agency? Is that the feeling down there?—A. Yes, sir.

By Senator BLACKBURN:

Q. Is it in proof that the Commissioner announced his purpose of putting it there?—A. I do not know what the Commissioner's motive was.

By the CHAIRMAN:

Q. Although you do not know personally about it, you have been told by your partner?—A. I have been told by different parties. The agent said that was the intention, to discontinue those stores there. He claimed to have been told so by the Commissioner, but I do not know anything about that; I only have his word for it.

Q. Do you know how Branham came to give up the agency store?—A. He said the Department would no longer allow him to have two stores on the reservation; that he must give up one of them, and he would rather give up the agency store, and did so.

Q. Do you know where Mr. Brenner comes from; what part of the country?—A. I believe he came from Mississippi; Oxford, Miss., I think he claims as his home.

Q. Do you know who got the traders at Kaw appointed?—A. No, sir.

Q. Do you know who got Mr. Brenner appointed?—A. No, sir; I do not know anything about that.

Q. As a trader you have no longer any feeling about the matter, for you are not a trader?—A. No, sir; I am not a trader.

Q. But you are pretty well acquainted with the feelings of the other traders about the matter, are you not?—A. I am employed in a trader's store, however.

Q. Are you in Mr. Bird's store?—A. Yes, sir.

Q. Are you employed on a salary?—A. Yes, sir.

Q. Mr. Bird was your former partner?—A. Yes, sir.

Q. How much did you sell out to Mr. Hixson for; what did he pay you or give you notes for?

The WITNESS. Do you mean what was the amount of my interest?

The CHAIRMAN. Yes.

A. It was in the neighborhood of $5,000.

Q. Did that include your collections?—A. No, sir; that was my part of the invoices of the store at that time; he had nothing to do with the accounts.

Q. And you took your chance of getting what was due you out of the accounts?—A. Yes, sir. It is the custom among the traders at Osage

Agency when a man buys out another for him to protect his accounts. That has been the custom ever since I have been there; that is, that they recognize that account, the other traders do, and have agreed not to ignore that amount, whatever it may be, outstanding against the Indians; that they will protect it. and I was protected in the same way at that time.

By Senator CULLOM:

Q. You say you were protected. Do you mean by that that they collected the debts for you?—A. No, sir; but we trade with a view of leaving that much money to the Indians.

Q. Did they protect you?—A. Yes, sir.

Q. So that you got your share of whatever it might be?—A. Yes, sir. We have a basis to trade upon there; we know how much annuity the Indians are going to get.

Q. How much in the way of debts did you have there at that time?—A. I do not know that I ever charged my memory with it; between $15,000 and $20,000 probably.

By Senator BLACKBURN:

Q. Do you mean your part, or the firm property?—A. That was the amount due the firm.

By Senator CULLOM:

Q. Has it all been collected?—A. Yes, sir; with the exception of a very few bad accounts.

Q. It has been collected and paid over?—A. Yes, sir.

By the CHAIRMAN:

Q. Did anybody else, claiming to have a license, come there at that time?—A. Not at that time.

Q. Do you remember a man named Dyer, from somewhere in Ohio?—A. Yes, sir; a man named Dyer came there with a license from Ohio.

Q. What did he try to do?—A. He got away from there as quick as he could; he did not try to do anything. He came there one day and left the next. He did not make his business known except to one or two persons. He did not like the looks of trade and went back to Ohio.

By Senator BLACKBURN:

Q. You say when you sold out there were seven stores on that reservation without including the Kaw store or tradership?—A. Yes, sir; we do not consider the Kaw store as being on that reservation.

Q. There were seven when you left there?—A. Yes, sir.

Q. And there are six on the reservation now?—A. Yes, sir.

Q. There were five at the agency, two at Gray Horse, and one at Hominy Creek when you left there?—A. Yes, sir.

Q. Now there are four at the agency, one at Gray Horse, and one at Hominy Creek?—A. Yes, sir.

Q. Please state again who were the traders at Gray Horse; the two firms?—A. One was the firm of Finney & Schiffbauer.

Q. And yours was the other firm?—A. Yes, sir.

Q. Which one was established at Gray Horse first?—A. Finney & Schiffbauer.

Q. Is it not the fact that the four or five tradership firms at the agency together established a branch store out there with a view of forcing Finney & Schiffbauer to move back to the agency?—A. No, sir,

Q. The other four firms had nothing to do with that branch store out there?—A. No, sir.

Q. When there were five firms trading at the agency and two at Gray Horse, one of which was your firm, which did the biggest business, your agency store or your Gray Horse store?—A. Our Gray Horse store was continued only about three months.

Q. Well, during that time did you do the most business at your agency store or at your Gray Horse store?—A. It would be pretty hard to say about that. I think during those three months that we sold as many goods at Gray Horse as we did at the agency. But it would be a very hard matter to determine that; I could not say about that now.

Q. What sort of an establishment or building had you for your branch store at Gray Horse?—A. At first we had no building, we had a large tent; but a cyclone came there and tore it all to pieces and we put up a building after that.

Q. What sort of a building; how large?—A. It was a shell of an old house and we remodeled it.

Q. And then you gave up the branch store?—A. Yes, sir; after that. I want to make an explanation there. After our tent blew down we asked for permission to temporarily move our goods about 2 miles, on another creek, called Salt Creek. There was a shell of an old building there which formerly had been an old Government building and was at that time owned by an Indian. That was the building we fixed up and moved our goods to, having received permission to do so.

Q. Was it a temporary arrangement or was that permission to remove from there a permanent grant?—A. I do not remember whether it was temporary or not, but we removed from there a very short time after fixing up the building.

By Senator CULLOM:

Q. And then you came back to the agency?—A. Yes, sir; we returned to the agency.

By the CHAIRMAN:

Q. I understand you went back because Mr. Bird gave up his license, the Commissioner having told him the trade there was to be discontinued?—A. Yes, sir.

By Senator BLACKBURN:

Q. Did any firm except your own have any interest in that branch store venture of yours?—A. Mr. Bartles, as I said before, was the only person; none other.

Q. He was a partner of yours in that branch store?—A. Yes, sir; in that store only.

Q. And he was a partner in one of the other firms at the agency?—A. Yes, sir.

Q. There was no other interest outside of yourself and your partner, Mr. Bird?—A. No, sir; none at all. This branch store was an outside field; our store at the agency had no connection with it.

Q. If you were doing as much business with the branch store as with the agency store, why did you quit it so promptly?—A. The understanding was that all the outside stores were to be done away with: that was the reason.

Q. Did you and your partner ask that the outside stores be done away with and all forced back to the agency?—A. No, sir.

Q. Are you sure of that?—A. I know I never did. That was done before I knew anything about it.

Q. Well, was it done?—A. The order came. I didn't know anything about the intention of removing the stores until the agent showed me a letter saying that at the request of Mr. Bird the license at Gray Horse for the branch store was canceled, and to notify us to remove the goods to the agency, which was done.

Q. That was done at your partner, Mr. Bird's, request?—A. Yes, sir.

Q. When was it that this man Ellison was down there telling what he could do in the way of closing out trade competition and all that?—A. My recollection is that it was the latter part of September, 1885, or the fore part of October. I cannot remember the exact time, but it was along about that time.

Q. I believe the record shows that he was not licensed until the 17th of October. It was in the fall, you think?—A. Yes, sir; either the latter part of September or the fore part of October; I don't remember exactly which.

Q. Was not his license shortly thereafter revoked?—A. Yes, sir.

Q. Did you or anybody else at the agency pay any attention to the statements and representations that Ellison made?—A. I had no other conversation with Ellison except that one time that I remember.

Q. I believe you stated just now that you did not place much confidence in what he said?—A. I did not give him much encouragement.

The CHAIRMAN. The record shows that he was appointed the 19th of September, 1885, and his resignation of license was accepted December 17, 1885.

Q. Do you know whether the agent on that reservation recommended the establishment or continuance of trading stores at Gray Horse and Hominy Creek?—A. I do not know; I could not say.

Q. You say there are about fifteen hundred Indians on that reservation?—A. Yes, sir; including half-breeds and all told.

Q. And from three to four hundred of them are at Hominy Creek?—A. Yes, sir.

Q. And about four or five hundred at Gray Horse?—A. Yes, sir.

Q. That would leave about five or six hundred tributary to the agency?—A. About half that number are half-breeds; we do not depend on the half-breed trade at all; the stores do not.

By Senator CULLOM:

Q. Why not?—A. The most of them live on the State line, close to those little towns along the line, such as Chatauqua Springs, Elgin, Jonesburgh, Peru, and Caneyville, and they are nearer to those stores in the State than to the store at the agency; and then a great many of them live along the Cherokee line, and there are stores right on the line between the Osages and Cherokees, on the Cherokee side.

By Senator BLACKBURN:

Q. You stated you had made no application for renewal or reissue of your license?—A. No, sir.

Q. Before the expiration of your license you had sold your interest to Hixson?—A. Yes, sir.

Q. Did you or Bird, your partner, go with Hixson to Washington to see the Commissioner of Indian Affairs and have the license reissued?—A. Mr. Bird went.

Q. Bird and Hixson went together?—A. Yes, sir.

Q. And had the license issued in the name of Bird and Hixson?—A. Yes, sir.

Q. That was done with your consent, was it?—A. Yes, sir; I made a trade with him on those conditions. He said if he could get a license he would buy me out, and he did so.

Q. That was a condition of the purchase?—A. Yes, sir.

By the CHAIRMAN:

Q. I understand you make no complaint of the way you were treated as a trader?—A. No, sir.

Q. Except that you were given to understand that, having been in one year you could not stay in any longer?—A. Yes, sir; but I have been an employé a long time. I suppose it was because I was a Republican; I never denied my politics; I was told so by different parties.

By Senator BLACKBURN:

Q. You were not told so by the Commissioner of Indian Affairs?—A. No, sir.

Q. You were told so by the agent on the reservation?—A. Yes, sir.

Q. Did he tell you that because you were a Republican you could not be reappointed?—A. Yes, sir.

Q. Are there no Republicans holding positions as traders there today?—A. I believe there are.

Q. So that he was mistaken about that?—A. Well, I was the only one at that time.

Q. Who told you that—what agent?—A. Agent Hoover.

Q. He is not there now?—A. No, sir.

Q. He lost his scalp, it seems?—A. I believe he did.

Q. For the same reason? Was he a Democrat or Republican?—A. He was a Democrat.

Q. And a Democratic administration put him out?—A. Yes, sir; for incompetency and so forth. I guess he was allowed to resign. He did resign or something of that kind, I believe.

By the CHAIRMAN:

Q. When it comes down to that there were some stories about him more than about his incompetency, were there not?—A. I heard rumors of that kind.

By Senator BLACKBURN:

Q. Were there any charges preferred against him except that he was an incompetent agent?—A. I do not know, sir. I believe he resigned. He said so, but I do not know anything about it. I saw him in Washington when I was there and he told me he had resigned; in fact, he showed me his resignation in a hotel in Washington.

Q. Where was he from?—A. From Indiana.

Q. He turned out to be incompetent and was discharged?—A. He resigned; he showed me his resignation.

Q. What is the relative value of the trade of that reservation now, as compared with what it was when you were there as a trader; is it as valuable now as then?

The WITNESS. Do you mean does the trade amount to as much as then?

Senator BLACKBURN. Yes.

A. Yes, sir; I think so.

Q. They get a fixed amount each year, $250,000, the Indians do, in the shape of annuities?—A. Yes, sir.

Q. There are six stores there now on the reservation, whereas there were seven?—A. Yes, sir.

By the CHAIRMAN:

Q. You mean seven stores including the branch store?—A. Yes, sir; including that.

By Senator CULLOM:

Q. What do I understand the fact to be as to the relative amount of trade at the stores where the agency is located, and down at the Gray Horse store; is it about equal, the amount?—A. I think not.

Q. Do you think the greater portion of the trade is at the agency or at the other places?—A. I had rather have either one of the other stores.

Q. Than to have a store at the agency?—A. Yes, sir; than to have any of the stores at the agency.

Q. There are four stores now at the agency, one at Gray Horse and one at Hominy Creek?—A. Yes, sir.

Q. And either one of the latter is a better place to do business than all the stores at the agency?—A. Yes, sir; there can be more money made there.

By Senator BLACKBURN:

Q. Do you think there can be more money made with one store at Gray Horse or at Hominy Creek than with all the trade at the agency combined?—A. No, sir.

By Senator CULLOM:

Q. You mean more money can be made in one of the stores there than in one at the agency?—A. Yes, sir; more than in any two of them. I had rather have either one of those stores than any two at the agency.

By Senator BLACKBURN:

Q. Do you know whether any one who has a trade license at the agency now has applied for a license to change his place of business either to Gray Horse or Hominy Creek?—A. I do not know that they have.

By Senator CULLOM:

Q. Do you know of any reason why the Government should keep four stores at one place and only one at either of the others?—A. I never have been informed of the reason for it.

By the CHAIRMAN:

Q. How came a store to be established over at Hominy Creek?—A. I do not know how it came to be established there.

By Senator CULLOM:

Q. What is your understanding about it?

The WITNESS. In what way?

The CHAIRMAN. Why was the store established at Hominy Creek, when there had never been one there before?

The WITNESS. Because there were Indians there, and their trade was desirable, and it was better to go there and get all of it than to be at the agency and get only part of it. The trade all came to the agency. These Indians always came to the agency to do their trading, but it was divided between the stores then.

By the CHAIRMAN:

Q. They had been for years and years in the same situation as now?—A. Yes, sir; there never had been any store there before.

Q. Who started the idea of having a store there, as it is understood at the agency?—A. Hale & Phillips, the applicants for the place, I suppose; I do not know of anybody else.

Q. Do you know how they got their license?—A. I do not know of my own knowledge anything about it.

Q. Did they go to Washington?—A. I do not know that they did; I never heard of their going.

Q. Do you know of anybody who went for them?—A. I heard that they had friends to help them, but I do not know anything about it.

Q. In plain words, did Branham get it for them, as it is understood down there?—A. That has been understood so; yes, sir. Branham, I think, denies it, or has denied it.

Q. But that is the sentiment down there with regard to Branham, that he got the store at Hominy Creek for Hale & Phillips?—A. Yes, sir.

Q. And he denies it, you understand?—A. Yes, sir.

Q. If the Commissioner of Indian Affairs at one time proposed to discontinue trade at Gray Horse, that same policy carried out would have prevented the establishment of a store at Hominy Creek, would it not?—A. Yes, sir.

Q. And going a little further with it, if the Commissioner changed his mind and concluded to have the store at Gray Horse, would the same policy lead to the establishment of a store at Hominy Creek?—A. I do not know that it would, necessarily. There never had been a store at Hominy Creek; I do not know that it would.

Q. Did those Indians after the store had been established at Hominy Creek come to the agency as frequently as before?—A. No, sir.

Q. Did they come at all?—A. Some of them came occasionally.

Q. Where did they get their annuities?—A. There has been no annuity paid since they started that store at Hominy Creek.

Q. Did I understand you to say that there had been some effort to have the annuities partly paid at Gray Horse and Hominy Creek for the Indians over there?—A. There has been talk of that kind; yes, sir.

Q. Who has made application for that?—A. The understanding was that Branham had done so.

Q. Branham is understood down there to be a little nearer to the administration than the rest of the traders, is he not?—A. Yes, sir.

By Senator CULLOM:

Q. How near is he to it, do you know?—A. I do not know, but I have heard that he was a nephew, I believe, of the Secretary, or some relative.

Q. Do you mean the Secretary of the Interior?—A. Yes, sir; I do not know anything about that, however, myself.

By Senator BLACKBURN:

Q. Now, let us find out by you this: You say Hale & Phillips got the license to trade at Hominy Creek?—A. Yes, sir.

Q. That was the first time a trade license was ever issued there?—A. Yes, sir.

Q. Was not Hale an old trader at the agency under the former administration of the Interior Department?—A. Mr. Hale got a license to trade there several months after I did; yes, sir.

Q. In what year?—A. In 1885, I think, in the spring.

Q. Was not Hale licensed as an Indian trader at the agency before General Atkins was Commissioner of Indian Affairs?—A. I think he received a license about that time.

Q. From Commissioner Atkins or Commissioner Price?—A. Perhaps it was from Commissioner Price. It may have been just before the change of administration in the spring of 1885.

Q. So it was an old trader under the former administration who obtained a license to establish for the first time the store at Hominy Creek, and he is trading there now?—A. Yes, sir.

Q. Now is it not a fact that David, the agent after Hoover, and also Hoover himself, both, as Indian agents for that reservation, recommended the continuance of the store at Gray Horse?—A. Not that I know of; I never heard of it and could not say anything about it.

Q. Did not the agent recommend the payment of the annuity in part at Gray Horse?—A. Not that I know of; he may have done so, but I do not know anything about it.

Q. You have spoken of the effort being made to get that part payment at Gray Horse. Did not the Commissioner of Indian Affairs refuse to order it?—A. There never has been any payment made there. I understood the effort was a failure.

Senator BLACKBURN. The record shows that Hale and McCague were appointed by Commissioner Price. Hale was a member of that firm under Commissioner Price, and is senior member of this firm now. There never had been any trade at Hominy Creek unless this old trader got his license to trade there.

Senator CULLOM. They came in and were licensed by Commissioner Price to trade at Hominy Creek?

Senator BLACKBURN. No, sir; this administration licensed them to trade at Hominy Creek. This administration established the store for the first time at Hominy Creek, but the Price administration licensed Hale as a trader at the agency.

Q. What are Hale's politics?—A. He is a Democrat.

Q. These Indians are located permanently, and have been for years, where they now are at Hominy Creek and at Gray Horse, are they not?—A. Yes, sir.

Q. If these two trading stores were not established at those places the Indians would of necessity have to come to the agency to do their trading, would they not?—A. Yes, sir.

Q. And that would be 25 miles off from one or the other?—A. Yes, sir; for some of them. Some live nearer and some farther away.

Q. But on the average a distance of about 25 miles additional travel would be put upon the Big Hill Indians from Gray Horse and those Indians at Hominy Creek?—A. Yes, sir.

Q. And you do not know that the two agents, David and Hoover, both recommended the continuance of that store at Gray Horse?—A. I never heard that they did; I heard to the contrary.

Q. The record here will show?—A. I do not know anything about it at all. I would not want to be compelled to believe either one of the ex-agents, David or Hoover, because I do not know anything about either of them.

By the CHAIRMAN:

Q. David has disappeared too, has he not?—A. Yes, sir.

Senator BLACKBURN. What has become of him?

The CHAIRMAN. He was incompetent I believe. He was suspended over two months ago.

By Senator BLACKBURN:

Q. What was the matter with him?—A. The common understanding is that he was suspended for malfeasance in office; I do not know whether that is it or not.

By Senator CULLOM:

Q. That is the public belief, is it not?—A. Yes, sir; that is the general belief.

By the CHAIRMAN:

Q. It is generally understood that he is at Washington now about the matter?—A. Yes, sir.

Q. What became of this incompetent Agent Hoover?—A. He is living up here in Kansas.

Q. What is he doing up there?—A. He is postmaster up there now.

By Senator BLACKBURN:

Q. Is he a Kansas man?—A. No, sir.

Q. Where did he come from?—A. From Indiana. He moved to Kansas after he left the Osage Agency, a little over a year ago.

By the CHAIRMAN:

Q. Having been discharged as agent at the Osage Agency, he immediately dropped into a post-office up in Kansas?—A. Yes, sir.

By Senator BLACKBURN:

Q. Where is he postmaster now?—A. At Bolton, Jackson County, Kansas.

Q. You said that Branham was charged with having obtained the appointment of Hale & Phillips to trade at Hominy Creek. Who charged him with having done that?—A. I did. At one time Branham and I were talking over matters, and I asked him if he did not recommend them, and told him I believed that he did, but he said he did not.

Q. State the rest of that conversation, what Branham said about how they did get their appointment.—A. He said he was asked what he thought about them, and he simply said that he considered a store at Gray Horse a necessity, and could not see why the same thing would not apply to Hominy Creek.

Q. So that being asked about it, he did recommend the establishment ment of a store there?—A. Yes, sir.

Q. Did he make any statement as to who their friends were in Washington, with reference to the appointment?—A. I think he said this conversation was with John Atkins, the son of the Commissioner.

Q. You think he said he had a conversation with John Atkins, the son of the Commissioner, about it?—A. My recollection is that John Atkins asked him about it, what he thought about it, and Branham said that he did not feel like volunteering anything about it, that he did not want to have anything to say about it, and finally said that he considered the store at Gray Horse a necessity, and could not see why the same thing would not apply to Hominy Creek.

Q. Was that before or after he had given up his store at the agency?—A. It was about that time, I think; I do not remember just exactly.

Q. Do you speak the Indian language?—A. Yes, sir.

Q. What do the Indians think of this matter of having outside stores?—A. The majority of them are opposed to it, I think.

Q. Have they passed any resolutions on the subject?—A. Yes, sir; the national council has.

Q. Have they a council?—A. Yes, sir.

Q. Have those resolutions been forwarded to Washington?—A. I do not know.

Q. But they passed the resolutions?—A. Yes, sir. I presume the agent could tell whether they had been forwarded or not.

Q. Was it while the present agent was there, or some of those men who have disappeared?—A. I guess it was before, but I think the present agent is aware of the fact.

Q. What is your understanding about it, that they have been forwarded or not?—A. I really could not say; I do not know.

By Senator CULLOM:

Q. How far away from this agency and these two tradership posts was this council held?—A. It was held at the council-house at the agency.

Q. Right at the agency?—A. Yes, sir; they have a national council which meets there.

Q. They pass laws like any Territorial or State legislature, do they not?—A. Yes, sir; very similar.

Q. Have they any statute laws on this subject, do you know?—A. Yes, sir.

Q. What is the purport of them?—A. Well, there are several clauses to it. One is that they demand a tax of $200 per annum from the traders for the privilege of trading there, as they say for the privilege of getting grass, fuel, and so forth. Another is that a party seeking a license to trade must first make his application to them before going to the Commissioner. They say they want to know who is coming among them to trade, and feel that they ought to have something to say about it. I think that is about the purport of it.

Q. They have laws of that kind on the statute book expressing, in legal effect, that they ought to be consulted as to who should come there among them as traders?—A. Yes, sir.

By the CHAIRMAN:

Q. But is there not a law directly bearing on this question as to whether they will have the stores at the agency or at other places?—A. Yes, sir; there is another one also demanding that the stores all be located at the agency; at least that is my impression; I am not certain about it. They have printed laws.

By Senator CULLOM:

Q. And you think there is a law on the question of requiring the traders to be all at the agency?—A. Yes, sir; I am almost positive about that.

By Senator BLACKBURN:

Q. Let us see in regard to that. You say this territorial council, or whatever term is the proper designation, passed a law requiring all these trading stores to be established at the agency?—A. Yes, sir.

Q. When was that done?—A. My impression is that it was about two years ago.

Q. Who got that done?—A. I do not know.

Q. Didn't you people who were trading at the agency get it done?—A. I did not have anything to do with it.

Q. Did not the traders at the agency do it?—A. I could not tell you.

Q. Is not that the understanding there, that they busied themselves in having that regulation passed by that council?—A. The traders at the agency would rather have all the stores at the agency, but I do not know that any trader had anything to do with the passing of that law.

Q. You never heard that they had taken an interest in getting that law passed?—A. No, sir; I never knew it.

Q. Is not that the understanding there, or the report there?—A. No, sir; I think not.

By Senator CULLOM:

Q. It is not an unreasonable thing in your judgment, is it, that the Indians should have a right to express themselves as to the men who should come among them, or as to where the traders should be located?—A. I think not.

By Senator BLACKBURN:

Q. Which would you think was the most convenient, if you were one of the Indians living at Gray Horse or Hominy Creek, to have a store right there near by you to trade, or to have to go twenty-five miles to do your trading?—A. To have the store right by me, of course.

By Senator CULLOM:

Q. The annuities are always paid at the agency, are they not?—A. Yes, sir; they always have been.

Q. And is it not somewhat natural that the Indians who receive them would like to have a store at the place where they would get their money?—A. Yes, sir.

By the CHAIRMAN:

Q. I want to recur to the conversation between yourself and Branham about the appointment of Hale & Phillips, and what the Commissioner's son said. What did Branham say that John Atkins said about it?—A. Mr. Branham said to me that John Atkins asked him if he would express himself to me as he had to his father, and Branham replied that he did not like to do so.

Q. What else?—A. Afterwards John Atkins referred to it in the presence of his father, and told him what Branham had said.

By Senator BLACKBURN:

Q. That was about establishing a store at Hominy Creek?—A. Yes, sir. I then remarked to Mr. Branham that that was a very good recommendation; at least I considered it so. He claimed it was not a voluntary recommendation or anything of that kind.

By the CHAIRMAN:

Q. But you thought it was all the better because it did not appear to be voluntary; was that the idea?—A. Yes, sir; it struck me so.

Q. Was the Commissioner's son a clerk in the office or anything of that kind?—A. I could not say; I do not know.

Q. You do not know how he came to be interested in the matter; you did not learn that?—A. Well, I believe Phillips and John Atkins were old friends or something of that kind. He was down at the agency when the Commissioner was down there last year; he was with his father last year when they were at the agency.

By Senator CULLOM:

Q. The young man was with Commissioner Atkins?—A. Yes, sir.

By the CHAIRMAN:

Q. And was Phillips there then?—A. Yes, sir.

Q. Phillips is a Tennesseean?—A. Yes, sir.

Q. And an old friend of John Atkins, as you understand?—A. Yes, sir; I understand so.

TESTIMONY OF D. R. PUCKETT.

D. R. PUCKETT, having been duly sworn, was interrogated as follows:

By the CHAIRMAN:

Question. You are the trader at the Kaw Agency, as it is called?—Answer. Yes, sir; I am.

Q. Were did you come from; what State?—A. From Kansas.

Q. From what part of Kansas?—A. From Sterling, on the southern boundary of Rice County.

Q. Had you any previous experience in the Indian service prior to your appointment to that tradership?—A. No, sir.

Q. Through what influence did you get your appointment as trader?—A. I got it through the gentleman I bought out. I bought him out with that understanding, if I could get a license.

Q. Who was that gentleman?—A. Mr. Brenner. I presume I got it through his influence.

Q. Where did Mr. Brenner go to when he went away from Kaw?—A. He went from the Kaw Agency to the Osage Agency.

Q. And took the store which Mr. Branham gave up there?—A. Yes, sir; I believe so.

Q. What was your first movement in the direction of getting the tradership at that agency; how came you to go there?—A. Well, sir, I was employed by the K. K. K. Cattle Company, and Kaw was my post-office address, which brought me there to the agency once a week, and sometimes oftener.

Q. Who broached the matter as to a purchase of Brenner's interest; yourself or Brenner?—A. Brenner, I believe, first approached me.

Q. Brenner wanted you to buy him out?—A. He wanted to know if I would buy him out.

Q. And told you he could get a license for you if you did?—A. He told me he believed he could secure my license if I did.

Q. And that is all you know about it?—A. Yes, sir.

Q. The license came and you bought him out?—A. Yes, sir.

Q. Mr. Lesarge, who is here, is he a partner of yours?—A. No, sir; he is not.

Q. You are the trader?—A. Yes, sir; I am the trader there.

Q. And you employ Mr. Lesarge?—A. Yes, sir.

Q. Have you received a license?—A. No, sir; I have not yet.

Q. Then you have bought him out with the understanding that he can get you a license?—A. Yes, sir; that is the understanding.

By Senator CULLOM:

Q. How long ago was that?—A. I bought him out somewhere near the 18th of December last.

Q. And still the license has not come?—A. My license came as Lesarge's partner, and the agent returned the license, requesting that it be changed, as Mr. Lesarge was a clerk.

Q. The license came then in the name of Puckett & Lesarge, did it?—A. It came in my name, with Lesarge as clerk. The agent understood it that Lesarge was a partner at the time, and he returned the license, stating the facts to the Department that he believed him to be a partner, and the Department then notified me that they could not recognize Lesarge as a silent partner, but that the license would be issued me alone.

By Senator BLACKBURN:

Q. Lesarge is an Indian, is he not?—A. Yes, sir.

By the CHAIRMAN:

Q. And the license has gone back to be changed, so that you are going to have it?—A. Yes, sir.

By Senator CULLOM:

Q. You are in charge of the store trading? A. Yes, sir; I am.

By Senator BLACKBURN:

Q. Did you have any other recommendation than your license?—A. Yes, sir; I had the written recommendation of several different men, business men in Arkansas City here.

Q. Did you have reputable business men in this community to recommend you?—A. Yes, sir.

Q. I mean such as bankers and prominent business men here?—A. Yes, sir; the postmaster here, and A. A. Newman.

Q. Then you did have other recommendations besides your predecessor, the trader, of as good men as live in this community, did you not?—A. Yes, sir.

Q. What are your politics?—A. I never have voted but three times in my life. I voted twice for the Democratic ticket and once for the Republican ticket. It was only a county election for county officers.

By the CHAIRMAN:

Q. There is not much politics about you, then?—A. No, sir; I have never studied politics much; I know more about a cow.

TESTIMONY OF ROBERT E. BIRD.

ROBERT E. BIRD, having been duly sworn, was interrogated as follows:

By the CHAIRMAN:

Question. You are a trader at the Osage Agency?—Answer. Yes, sir.

Q. How long have you been a trader there?—A. For about two years and a half.

Q. You were formerly in partnership with Mr. Wismeyer?—A. Yes, sir.

Q. And you bought out Mr. Hixson, who bought out Wismeyer's interest in the firm?—A. Yes, sir.

Q. Did you go to Washington?—A. Yes, sir.

Q. When?—A. I think it was in September, 1885, that I went there.

Q. For what purpose did you go there?—A. I went for the purpose of securing a license.

Q. Having been in company with Mr. Wismeyer, your license was expiring?—A. Yes, sir.

Q. At that time you had a store at the agency and were also interested in a store at Gray Horse?—A. Yes, sir.

Q. What did you ask a license for, one or both?—A. One only, at the agency.

Q. You had a license at Gray Horse?—A. Yes, sir.

Q. Why did you not ask for a license at Gray Horse as well?—A. That license had not expired.

Q. Was there any conversation between you and the Commissioner with regard to the store at Gray Horse?—A. Yes, sir.

Q. What was it?—A. In speaking about the outside stores he remarked that it was his intention to abolish them. He told me that the Finney & Schiffbauer license had expired and would not be renewed, and I think I asked him why not abolish the outside stores, and he said it was his intention, as there were complaints from the Indians, and I told him that he could revoke my license then.

Q. That is, if he was going to abolish the stores at Gray Horse, he could revoke your license; that you were willing it should be done?—A. Yes, sir.

Q. Was your license revoked upon that understanding?—A. It was revoked at my request; yes, sir; that was my understanding.

By Senator CULLOM:

Q. Would the request have been made if you had not understood from him that the stores were going to be abolished?—A. He told me that the Finney & Shiffbauer license had expired and would not be renewed, and that he had given them until the first of January to close up their business. I then asked him why not abolish outside stores altogether, and he said that was his intention, as there was complaint from the Indians.

By the CHAIRMAN:

Q. Did he make any remark about the Senate in that connection?—A. No, sir.

Q. Did he say anything like this, that he had got the matter then in the shape he wanted it, and would not change it if the whole Senate wanted him to?—A. No, sir; not at that time.

Q. What was that in reference to?—A. He seemed to have some doubt about having issued some of the licenses, and he wanted to show on whose recommendation they were issued. He said it was his intention to issue a license for every thirty or forty thousand dollars' worth of trade, and after he had thoroughly looked over the matter and concluded to issue me a license; he said now that he knew who was licensed there, and that they should stand, that he would not be pulled and hauled around, not if the whole Senate came and requested him.

By Senator CULLOM:

Q. Had any Senator been after him just then?—A. I do not know, sir.

Q. What made him refer to the Senate especially?—A. I gathered from that that he had been annoyed and importuned to issue licenses by Senators.

Q. After the conversation between you and the Commissioner, in which he stated that the other firm's license had expired and he was not going to renew it, and when you suggested to him why not abolish stores at the outside agencies entirely, and he said he thought he would as there was complaint from the Indians, you told him then that he might revoke your license?—A. Yes, sir; I told him to cancel our license.

By the CHAIRMAN:

Q. Would you have done that if you had understood that the other store at Gray Horse was to be continued?—A. No, sir; I would not.

Q. How long after that was it before Branham came to Gray Horse and made some arrangement with Schiffbauer and continued the store?—A. I do not remember. I think that was in September, and I think Branham came there probably in December or January, I am not certain which, or it might have been later than that.

Q. Did you repeat this conversation with the Commissioner when you returned home, so that the traders understood that all the stores at Gray Horse were to be closed?—A. I think I repeated it.

Q. What did you do with the goods at the Gray Horse store?—A. I moved them into the agency.

Q. A distance of 25 or 30 miles?—A. Yes, sir.

Q. There has been only one store there since that time?—A. Yes, sir; that is all.

Q. How long had your license to run at that time?—A. The Gray Horse license? That was in the fall, and I think it expired in the following April or May some time; I am not positive.

Q. You consider the trade out there a good trade, do you not?—A. Well, it is not so much that as the desire to protect myself. I have a letter, or a copy of a letter, that I forwarded when I made my application that will explain why I wanted to go out there. I think Mr. Wismeyer has the letter, probably. It is a copy of the letter.

By Senator CULLOM:

Q. A letter to whom?—A. I made my application through the Indian agent.

Q. Through the agent there at the agency?—A. Yes, sir. I will say that the license I held at Gray Horse was gotten under the present administration. General Atkins issued the license.

By the CHAIRMAN:

Q. This is a copy of the letter which you addressed to the Indian agent at Osage Agency, making application for a right to establish a branch store at Gray Horse [handing a letter to the witness for his inspection]?—A. Yes, sir.

The CHAIRMAN. We will put it into the record. There is no doubt this is a copy. It does not seem to have any date, however.

The WITNESS. I think it was probably written in April, and the license, I think, was dated some time in May.

Senator BLACKBURN. Is this the original letter, or a copy?

The WITNESS. This is a copy.

The CHAIRMAN. The Indian Agent probably forwarded the original letter.

The WITNESS. Yes; the original letter is probably in the Indian Commissioner's office.

By the CHAIRMAN:

Q. I understand, so far as politics were concerned, you were a Democrat and Wismeyer was a Republican?—A. Yes, sir.

By Senator BLACKBURN:

Q. This letter is not attested as a copy, but you say you know it is a true copy of the original?—A. Yes, sir; I know it is, because I made the copy myself.

Q. Is this your handwriting?—A. Yes, sir.

By the CHAIRMAN:

Q. Do you think you were treated fairly in the matter to which this letter refers?—A. I do not know how the Commissioner considered it, but I presume he considered he had a right to change his mind if he wanted to.

Q. But it did not help you any for him to change his mind?—A. No, sir. He did not make the promise to me; I did not exact any promise

from him. He simply made that statement, and I think notified Finney & Schiffbauer at the same time that he notified me to move my stock in and get ready to move in the 1st of January that they were to move also; that is my recollection, that he notified the agent.

Q. How much do you think that trade runs at the Gray Horse Agency, at that one store?—A. I do not know exactly. The annuity has been changed every year. I think it is a very good trade, though, for one store.

Q. Do you think it is more than the trade at any one store at the agency?—A. Yes, sir; I think so.

Q. Is it as much as that of any two stores at the agency?—A. I do not know about that.

Q. What do you think about it?—A. I believe I would rather have it than to have two stores, or run two stores at the agency.

By Senator CULLOM:

Q. Are you running a store at the agency now?—A. Yes, sir.

By the CHAIRMAN:

Q. About what is the average trade of those stores at the agency now; take yours for instance?—A. My trade was about $31,000 last year, and I presume the others amounted to something near that, probably, more or less.

Q. Have you any idea how much that trade amounts to out at the Gray Horse store?—A. No, sir; I have no idea of the amount.

Q. Do you think it is more than $31,000 a year?—A. Yes, sir; I should say it was more than that.

Q. Do the Indians come in to trade at the agency occasionally?—A. Yes, sir.

Q. But the bulk of their trade is out there?—A. Yes, sir; the most of it is out there.

The CHAIRMAN. I will read this letter, or copy of a letter, which has been produced and referred to by the witness in his testimony. It has no date, but I understand the witness thinks it was dated in April, 1885.

The letter was then read by the chairman, as follows:

[Copy.]

WISMEYER & BIRD, LICENSED INDIAN TRADERS,
OSAGE AGENCY, INDIAN TERRITORY,
—— ——, 188-.

L. J. MILES, Esq.,
U. S. Indian Agent:

DEAR SIR: We, the undersigned, hereby respectfully make application for trader's license to establish a branch store on Gray Horse Creek, southwestern part of this reservation.

We regret being compelled to take this step, as it will put us to much inconvenience and a great deal of expense, but are forced to do so in order to protect ourselves in the trade. A large number of the tribe live in that vicinity, many of whom have been almost exclusive customers of our respective stores here prior to the granting of a license and establishing of a store there. As they live from 25 to 30 miles from the agency, a store right in their midst naturally gives one firm a monopoly of the trade, which we do not think is just to us if compelled to stay here.

You will observe that two firms of this place have united in this application under a separate firm-name. An explanation of this action is due. We have done so simply to curtail the expense, and pledge you our words, as men, that our joint interests are confined to that store alone, which will be conducted separate and distinct from our business here. By thus uniting we incur the expense of one set of buildings and hands only.

Further, if license be granted us to extend our trade to the above-named locality, we are willing to resign this license and move into the agency at any time the trade is confined to that place.

We trust you will favorably consider this application, and respectfully ask that you recommend that a license be granted us.

Respectfully, &c.,

BARTLES, WISMEYER & RIRD.

By the CHAIRMAN:

Q. You had no outside recommendations for this particular store, had you?—A. No, sir; I do not think I had forwarded any particular application that I know of.

Q. You had just made an application to the agent?—A. Yes, sir. I submit that to show that we went there more to protect our trade that we had at the agency.

Q. And with the avowed willingness to move back into the agency at any time when the other store would be discontinued?—A. Yes, sir.

Q. Do you know how it came about that Branham had two stores?—A. No, sir; I do not know anything about it.

Q. Did he have two stores?—A. Yes, sir; that is, Branham and Schiffbauer, under the firm-name of Branham & Schiffbauer, had two stores.

Q. One at Gray Horse and the other at the agency?—A. Yes, sir.

Q. How long had that continued?—A. I think probably a year, or about that long; I do not know exactly.

Q. That did not suit the traders at the agency, did it?—A. No, sir.

Q. Do you know about the arrangement between Schiffbauer and Branham?—A. No, sir; I do not.

Q. Do you know whether Schiffbauer agreed to pay Branham $2,000 for his influence in holding the two licenses?—A. No, sir; I do not.

Q. You know nothing about that?—A. No, sir; I do not. I have heard such a rumor, but I know nothing about it.

Q. The rumor was not of such a character that you feel you could state it as evidence?—A. No, sir.

By Senator BLACKBURN:

Q. You say that Branham & Schiffbauer had two stores?—A. Yes, sir; they had a store at the agency and one at Gray Horse.

Q. Did not Finney & Schiffbauer have two stores also?—A. Not that I remember; if they did I never knew it.

Q. Was not Schiffbauer a partner of Finney's?—A. Yes, sir.

Q. At what place?—A. At Gray Horse.

Q. Did not Finney have a store at the Kaw Agency?—A. That was another Finney; that was T. M. Finney; not the same man.

Q. When you were in Washington and had that interview with General Atkins and asked him to cancel your license at Gray Horse, did he not tell you that that other store at Gray Horse would go on until the January following?—A. Yes, sir; he did.

Q. So that you knew at that time, from the Commissioner himself, that the other store was not going to be ordered off from there at that time?—A. Yes, sir; he told me.

Q. This letter that is without a date must have been written before your license was granted you to trade at Gray Horse?—A. That letter was submitted when I made application for license; a copy of that letter followed my application and bond.

Q. Now, a gentleman interested in another trading firm at the agency went into partnership with you and your partner at the agency, making

a firm of three representing two of the agency firms, to trade together as one firm out at Gray Horse?—A. That is correct; yes, sir.

Q. That was with a view, was it not, of either getting advantage of part of that trade at Gray Horse, or forcing all the trading firms back to the agency?—A. It was with a view to hold the trade that we had at the agency. Our trade was gradually falling away, and we thought if we could go out there and trade with them out there we could still hold their trade.

Q. Or else make all hands come back to the agency and trade there on even terms of competition.—A. That is what I would rather have sooner than have a store out there.

Q. I can readily understand why it was better and more economical to you traders to have all the trading establishments at the agency, but tell me, please, how it was better for the Indians to have to travel 25 miles from Gray Horse, and 25 miles from Hominy Creek, to go and trade at the agency than to have stores in their own midst?—A. Well, I do not know that it was really better, but by having stores at the agency I think we could confine them within the bounds of their annuities and keep them from overtrading.

Q. Was that a consideration which would control, in your judgment, the action of the Commissioner of Indian Affairs; do you understand that the Indian Office is established to help the Indian trader to make the most money and at the least inconvenince, or is he appointed to such a position for the benfit of the Indians themselves?—A. I understand it is for the benefit of the Indians.

Q. Don't you think it is better for a tribe of Indians to have a store right in their midst than to have to travel 25 miles to get to one?—A. I do not know that I am competent to judge that about the Indians; if I was an Indian, living there, I would prefer to have a store there, certainly.

Q. I should think so; they do the same sort of trading at one of those stores that the families of white men do; it is a family grocery store, isn't it?—A. Yes, sir.

Q. I agree with you; I would rather have such a store close to me than to be obliged to go 25 miles whenever I wanted to purchase; tell me this, How long have you been engaged in Indian trading?—A. About two years and a half or a little over.

Q. Were you a trader under the administration preceding this one?—A. I applied for a license just before the election.

Q. What is the general practice now in the Indian Office in this regard; are you required to price your goods within limits as to profit or percentages fixed by the Indian Office or the Indian authorities?—A. Yes, sir; they give us a list.

Q. And you are not permitted to sell over a certain maximum rate of profit which is prescribed?—A. Yes, sir; that is the requirement.

Q. That is the general requirement under this administration, is it not?—A. Yes, sir.

Q. Was that so under the former administration?—A. No, sir.

Q. This is the first time and the first administration, so far as you know, where maximum rates have been fixed beyond which traders shall not go in their charges to the Indians?—A. Yes, sir; that is the fact.

By Senator CULLOM:

Q. Do you sell goods cheaper now than you did under the previous rule?—A. Goods have been getting cheaper all the time.

Q. You change your prices on account of the regulation that you have received with reference to the percentage of profit?—A. Yes, sir; that is partly it.

By Senator BLACKBURN:

Q. I understand that the schedule of rates established by the Indian Office controls as to the dealings of the trader with the Indians; it does not control as to citizens, does it? The Indian Bureau has no power to fix the rates at which you shall sell goods to any except the Indians?—A. Not that I know of.

Q. Now about that $2,000—that rumor; let me understand that, if you please; you say it was rumored down there that Branham got $2,000 more than his partner in this trading business because of his influence with the authorities of the Department; was that what I understood you to say was the general report down there?—A. I think it was; the way I heard it was that Mr. Schiffbauer paid $2,000 to get the license and hold it.

Q. Paid it to Branham?—A. Yes, sir. But I do not know anything about it.

Q. Was that in the shape of annual payments, or only just one payment?—A. I do not know about that, whether it was one payment or not.

Q. Who did you hear this from?—A. I do not remember any person in particular; I heard several say it.

Q. Have you heard it more than once?—A. I think I have.

Q. Recently, or at the time the license was obtained?—A. I have heard nothing of it recently.

Q. And you cannot remember who you heard say that?—A. No, sir; I do not remember.

Q. Are they still in partnership—Schiffbauer and Branham?—A. No, sir; I think not.

Q. How long is it since they dissolved partnership?—A. I think it was about the 1st of January last.

Q. Did Branham buy Schiffbauer out?—A. That is my understanding; I do not know anything about it.

Q. Where is Schiffbauer now?—A. He is in Arkansas City, I think.

By the CHAIRMAN:

Q. Is he sick?—A. I do not know.

By Senator CULLOM:

Q. Let me ask you as a matter of information, as I do not think there has been anything said about it. There is a regulation against the sale of liquor to the Indians, is there not?—A. Yes, sir.

Q. Well, is there any liquor sold to them?

The WITNESS. Do you mean by traders?

Senator CULLOM. Yes.

A. Not that I know of.

Q. Have you or not heard that there was liquor sold down at the tradership at Gray Horse?—A. I never did.

By Senator BLACKBURN:

Q. I will ask you one question. Did not one or more of the agents on that reservation recommend the continuance of a store at Gray Horse and the establishment of one at Hominy Creek?—A. I do not know; I was away when the store was established at Hominy Creek, and I do not know anything about that at all.

By the CHAIRMAN:

Q. Did not the traders there make pretty strenuous efforts to get Agent Hoover to recommend the discontinuence of the Grey Horse store; did they not apply to Hoover to have him recommend its discontinuance?—A. I think so. I think they have done everything they could in that way legitimately.

Q. The Indians want the stores at the agencies, do they not?—A. Yes, sir; that is my understanding.

Q. And have passed resolutions to that effect, have they not, in their council?—A. That is what I understand; I do not know anything about it.

Q. It is not so much trouble for the Indians to do their trading at a distance of 15, 20, or 25 miles as it would be for a man who is engaged in daily work to do it, is it?—A. I do not know.

Q. They have to come to the agency for various matters, do they not?—A. They do come frequently. They generally take their families when they go to the agency.

Q. Do you think it is a good thing for the Indians not to have any inducement to come to the agency except to get their money? Practically, with one store off at Gray Horse and another at Hominy Creek there is no inducement for the Indians to come to the agency except to get their money?—A. No particular inducement; no, sir.

Q. Is it not better for the Indians and the agency that they should have something to draw them to the agency?—A. I do not know as to that. I do not see what particular benefit it would be to them.

Q. Is there competition at the agency among the traders?—A. Yes, sir.

Q. Then the Indians do not get the advantage of any competition in trade, with one store placed in the outskirts?—A. No, sir; they have no competition.

Q. And, as you said in your letter, it is virtually a monopoly with one store at Gray Horse and one at Hominy Creek; that is, it is a monopoly as regards the trade of the Indians of those sections?—A. Yes, sir. That letter was written and application made prior to the enforcement of that list that we have to sell by.

Q. An agent cannot keep his eye on a store out at Gray Horse quite as well, to see if they comply with those instructions, as if it was at the agency?—A. I do not think they visit the stores; they have not, to my knowledge.

Q. What change has been made in this matter of the prices which the trader is permitted to charge by this administration, as you understand it?—A. They allow him, say, to a certain per cent., varying, I think, from 20 to 35 per cent. I believe that is the limit—or 25 to 35 per cent.

Q. How is that profit computed—on the cost of goods where you bought them, or on the cost of goods at the store, adding carriage?—A. On the cost at the store, adding carriage.

Q. Was there no limitation before; did the trader charge what he pleased?—A. The agent was there to regulate the charges.

Q. And was it not a standing and printed rule and regulation of the Department and the Indian Office that only reasonable profit must be charged, and that the agent must superintend it and see that the regulation was carried out?—A. Yes, sir.

Q. That was the old rule; and the vast improvement is in saying just how much profit a trader must be allowed to make on a particular article?—A. Yes, sir.

Senator BLACKBURN. And not let the agent say what the profit should be.

By Senator BLACKBURN:

Q. Do the Big Hill Indians who live at Gray Horse, or the three or four hundred who live at Hominy Creek, want those stores abolished and all of them put back at the agency or not?—A. They did want them abolished. I do not know how they are now. I know when I set up my store out there they came pretty near firing me out bodily. They wanted the stores away from there.

Q. Do they now?—A. I have not talked with any of them lately on that subject.

Q. If one of these monopoly stores at Gray Horse or Hominy Creek should ask more for goods than the Indians could buy them for from one of the four competing stores at the agency, they have nothing to do but to go to the agency and trade there?—A. That is all.

Q. There is no inhibition to their trading at any store they please?—A. No, sir.

By the CHAIRMAN:

Q. Something has been said about there being a lot of Republican traders there now. How many are there now on the Osage Reservation?—A. I do not know that I can answer that question.

Q. Do you know of any?—A. No, sir; I could not swear to any being Republicans.

TESTIMONY OF L. A. WISMEYER (recalled).

L. A. WISMEYER was recalled and further examined.

By the CHAIRMAN:

Question. Do you know whether there are any Republicans down at the Osage Agency who are now Indian traders?—Answer. I know that Mr. Sheddan, who is with Mr. Branham, was said to be a Republican; I do not know whether he is a Republican now or not, he has been in the Territory so long, ten or twelve years.

Q. He has not been anywhere to vote?—A. No, sir.

By Senator BLACKBURN:

Q. What are Mr. Bartles's politics?—A. Mr. Bartles is a member of the Cherokee Nation, and has been for fifteen or twenty years. He is a white man.

Q. How did he get admitted into the nation?—A. I was not there, and do not know. He can tell you himself.

Q. Do you know whether he is a Republican or not?—A. I do not know.

By the CHAIRMAN:

Q. He does not have any vote in the States?—A. No, sir; I have heard him say he has not voted for many years.

By Senator BLACKBURN:

Q. How do they commission him as a trader if he is an Indian?

Assistant Commissioner UPSHAW. He is not an Indian. They can commission half-breeds, and full-bloods can trade without a license.

TESTIMONY OF JACOB H. BARTLES.

JACOB H. BARTLES, having been duly sworn, was interrogated as follows:

By the CHAIRMAN:

Question. There has been some question raised here as to how it is that you are a member of the Cherokee Nation without being an Indian. How is it?—Answer. I am a member of the nation by adoption.

Q. Were you adopted when you were a boy?—A. No, sir; when I was a man. My wife is a Delaware, adopted into the Cherokee tribe.

By Senator CULLOM:

Q. What is your native State?—A. My native State was New Jersey. I moved to Kansas in 1857; and have lived in the Territory about sixteen years.

Q. At what place?—A. At the Cherokee Nation.

By the CHAIRMAN:

Q. You are interested in a firm of traders at the Osage Agency, are you not?—A. Yes, sir.

Q. How long have you been so interested?—A. I have been interested with that firm about eighteen months.

Q. Were you engaged in trade there before?—A. Yes, sir.

Q. Were you in any other firm before that?—A. Yes, sir.

Q. What was the firm before that?—A. Bartles & Pratt.

Q. What is the firm now?—A. Bartles, Hartley & Raub.

Q. Who is Mr. Hartley?—A. That gentleman sitting there [indicating], from Indiana.

Q. And who is Mr. Raub?—A. He is another Indiana man.

Q. Did you see Ellison when he came down to the agency with a license?—A. Yes, sir.

Q. What did he want to do?—A. I presume he wanted to trade at the Osage Agency.

Q. What propositions did he make for that purpose?—A. Well, he made several propositions, but to sum the thing right down, he wanted a man to furnish the goods and he would furnish the license.

Q. He did not want to put in any capital?—A. No, sir.

Q. Who did he say he was?—A. He said he was Colonel Ellison. He represented himself as being a commercial reporter.

Q. And a friend of the Commissioner's?—A. Yes, sir.

Q. Did he scare you any?—A. Not much.

Q. What was he going to do with you if you did not make some arrangement with him?—A. He kind of thought that if I did not take him in, I would have to get out. He said he had a license to run the business. I asked him if I did not have that, too, and he said he presumed so, but that I could not get mine renewed. I told him probably we would see about that when the time came.

Q. Did you come pretty near making a trade with him?—A. No, sir.

Q. Didn't you have some understanding about it, or take an invoice?—A. I took an invoice, but I wanted to take that any how. He was there when the invoice was taken.

Q. Was it not taken with reference to his making some arrangement with you, or was it taken independently of that?—A. It was taken independently of it. I calculated to take the invoice whether he had been there or not.

Q. Did he tell what he was doing in Washington aside from his being a reporter?—A. Why, he claimed to have charge of the heating department of the Capitol building, and said that he knew every Member and Senator in the House and Senate, and was a close friend to the Commissioner of Indian Affairs.

Q. Did he claim that the Commissioner was under any obligations to him?—A. Well, I believe that he did.

Q. Did he say anything about his being Mr. Perry Belmont's secretary?—A. I think he did.

By Senator CULLOM:

Q. You did not trade with him?—A. No, sir.

Q. And you did not go out of the business?—A. No, sir.

Q. Are you in business now?—A. Yes, sir.

Q. Was your license renewed?—A. Yes, sir.

Q. Where are you doing business now?—A. I am doing business at the Osage Agency.

Q. And not down at the Big Hills?—A. No, sir.

By the CHAIRMAN:

Q. The arrangement between you and your partners is a business arrangement?—A. Yes, sir; a mutual arrangement.

Q. What do you think about this Gray Horse and Hominy Creek store?—A. I think it would be a great deal better if they were all at the agency.

Q. Do you think it is fair to the traders to give a man an exclusive right to trade out at Gray Horse and at Hominy Creek?—A. I do not think it is fair to the traders at the agency.

Q. Do you believe anybody could have kept that Gray Horse store except Branham?—A. That is a doubt in my mind.

Q. What is the feeling down there in the agency about it?—A. It is about as I expressed, I think.

Q. I mean as to whether it is kept there because Branham is so near the Department and the Commissioner?—A. The feeling there is that he is nigher the throne than anybody on the reservation.

By Senator CULLOM:

Q. Has there been any effort made on the part of you gentlemen at the agency to get that store abolished and brought in?—A. No, sir; not with the traders. The Indian council has made an effort.

By the CHAIRMAN:

Q. Do you know whether their resolutions have been sent to Washington?—A. I do not.

By Senator CULLOM:

Q. How recently was that effort made?—A. Why they have been making it ever since the stores were first talked about.

Q. They have been making it constantly?—A. Yes, sir,

Q. What is the ground on which they put their application to have the stores all kept at the agency; do you know the reciting of the resolution, or the reason as otherwise stated?—A. I could not recite the resolution, but about the way I put it up is, they think the business ought to be all done at the agency; that that is their seat of government, and that if the business is done there it would be better for the tribe, the agency, and everybody interested.

Q. Is this their free action, uninfluenced by you gentlemen at the

agency, or have you undertaken to control them?—A. No, sir: I do not think any trader there has undertaken to control the council.

Q. It is their free expression of desire?—A. Yes, sir; I think the last resolution that was gotten up there was gotten up without the knowledge of the traders; that is my understanding of it. I was not there when it was gotten up, but that is about the way I should state it.

Q. You do not know what they say as an objection to the store down at the Big Hills; what their objection is to having it there?—A. Only on general principle; they think it had better be at the agency and that the business should be transacted there.

Q. But nothing prevails to induce the Department to require the store to come in?—A. Nothing further than the resolution from the council.

Q. There has been no action by the Government looking to a removal of the store?—A. Not that I know of.

By the CHAIRMAN:

Q. You had an interest out there in this store with Wismeyer & Bird?—A. Yes, sir.

Q. When that license was canceled did you understand that the goods at the other stores were to be removed into the agency at the expiration of their license?—A. After the 1st of January I understood there would be no more licenses granted outside of the agency.

Q. Would you have been willing to give up that branch store out there under any other conditions?—A. No, sir.

Q. You could have gotten your share of the trade out there if you had continued the business?—A. I think we could.

Q. I want to inquire for my own information. What is the official outfit, so to speak, of an Indian agency? There is the agent and traders; what other people are there about the agency who are required to have permits from the Commissioner of Indian Affairs?—A. Well, there is the agent, two clerks, a farmer, and stablemen, five or six employés, a school superintendent, and the employés in the school-house, and the doctor. I believe that is all.

Q. And the master?—A. Yes, sir; the school-house has a master, and the matron. There are boarding-houses there, but they are run by members of the nation.

By Senator BLACKBURN:

Q. Do you have a preacher?—A. I believe the last preacher was fired out by Colonel David.

By the CHAIRMAN:

Q. So that all those people are required to have a permit in order to be allowed to remain in the Territory and do any business?—A. Yes, sir; that is my understanding.

Q. And it all depends on the will or approval of the Commissioner at Washington?—A. I think so.

By Senator BLACKBURN:

Q. Your statement is exactly correct as to the Commissioner's determination to move in that store from Gray Horse on the first of the following January. But did not the agent for that reservation, between the time that you agreed to have your license out there canceled and the following January, recommend the continuance of that store at Gray Horse and the establishment of one at Hominy Creek?—A. Not to my knowledge.

Q. You do not know about that?—A. No, sir.

By the CHAIRMAN:

Q. Who was the agent during that period?—A. When we moved to Gray Horse Major Miles was the agent.

Q. And when your license was canceled, who was agent then?—A. Agent Hoover.

Q. And David was probably the agent when Finney & Schiffbauer's license was renewed to Branham, or granted to Branham?—A. David was agent when Branham & Schiffbauer got their license, I think.

Q. Agent Miles must then have recommended its discontinuance?—A. Agent Miles never did recommend a store outside of the agency.

By Senator BLACKBURN:

Q. That was recommended, then, by Agents Hoover and David?—A. If anybody recommended it it was they. I know Agent Miles never did, for I have heard him repeatedly express his opinion on the subject of stores being outside of the agency.

By the CHAIRMAN:

Q. You do not think Agent Miles recommended it?—A. No, sir; I do not think he did.

Q. He was not in favor of having any store out there at all, but if there was to be a store there, he recommended that store?—A. Yes, sir.

By Senator BLACKBURN:

Q. With the understanding that if the other stores were to be at the agency, their license should be called in also?—A. Yes, sir.

By the CHAIRMAN:

Do you know what induced the Commissioner to change his mind?—A. No, sir; I do not.

By Senator CULLOM:

Q. You have been in the Indian Territory for sixteen years?—A. Yes, sir.

Q. And have been adopted into the family?—A. Yes, sir.

Q. And naturally you have more than an ordinary interest in the civilization of the Indian people, have you not?—A. Yes, sir.

Q. Now, what is the fact; do the Indian traders, and the white people who follow these Indian agencies, and gather around these posts, have any civilizing influence upon the Indians or not?—A. Some of them do, and some do not.

Q. Who are those who do have a civilizing influence upon the Indians?—A. Well, it is very much as it is in the settlements in the States; some men get in who have a demoralizing influence, and others come there who have a good influence.

Q. In other words, there should be allowed about these Indan agencies and traderships only men of good moral character and habits; is that your idea?—A. Yes, sir.

Q. If you have that kind of men established there, is it or not in the interest of the progress we are hoping to make in civilizing and Christainizing those people, that such people should be let alone and allowed to remain there?—A. It looks so to me.

By the CHAIRMAN:

Q. In what way do you think this system of licensing Indian traders could be amended and improved?—A. Well, there is a difference of opinion on that question.

Q. What is your idea about it?—A. In the first place, according to my idea, the paying of annuities to the Indians is demoralizing to them. I think the Government ought to pay them their money and let them do as white men do. You take a little tribe of Indians which has just enough money to keep them from starving to death, and who are dependent on their annuity, and they will not work so long as that annuity lasts. If the Government pays them the money that is due them and throws them on their own resources, they will become a better people in twenty years than they are at the present time.

Q. Suppose the Indians had their money, and suppose they had the land on their reservation, or such portion of it as would give them an ample amount of land to cultivate, and they were left to themselves, do you think the white men would get it all away from them in a little while?—A. In some cases, no doubt, that would happen. But you may take any class of white men and give them a million dollars apiece to-day, and in a few years some of them will be poor again.

Q. But the present system does not tend to throw the Indian upon his own resources at all, give him a feeling of responsibility, or tend to make him work and improve his condition; is that your idea?—A. The effect of paying annuities to the Indians is demoralizing to the Indian.

Q. What is the fact about it; are they paid every six months?—A. Every six and three months.

Q. When an Indian gets money how long does he usually keep it?—A. Some keep it as long as any person would.

Q. Do some of them put their money in bank up here?—A. Some of them would if they got enough to make it an object.

Q. And some of them do have bank accounts up here?—A. I presume so.

Q. And others, I suppose, get rid of it in a short time?—A. Yes, sir. A great many invest in stock, and some gamble and drink it away, the same as white men.

Q. Do the men, women, and children all come in for annuity payments?—A. Yes, sir; the size does not make any difference in that respect.

Q. It is exactly like paying out so much money per capita to every man, woman, and child in Arkansas City?—A. Yes, sir.

Q. You have no idea if that was done in Arkansas City that all who received money would keep it any more than an Indian does?—A. Not a bit more.

Q. Do you think the proportion of Indians who would keep it and who are thrifty would compare favorably with the same proportion of white people who would do so?—A. I do not think there would be so many Indians who would save it at the start, but I think they would in a few years.

Q. In regard to this money which the Government holds in trust, and on which it pays annuities, would you have it divided up among individuals, paid over to them, or would you have some limitation put upon that?—A. There would have to be guardians appointed, the same as in the States, to take care of the money.

Q. You would let those Indians take care of it who could; and in regard to those who could not, the legislature would appoint guardians who could manage it from among their people who were thrifty?—A. Yes, sir; I look at the Indians the same as I would at a family. If a man has a lot of children growing up around him and he never gives them any work or business to do they will always remain children. In

the same way if you give an Indian a chance to do business he will learn it, but if he has no chance he never will learn it.

Q. You are adopted into the Cherokee Nation, and they, I believe, take care of their own affairs?—A. Yes, sir.

Q. Are the Osages as well qualified, and have they the same capacity for managing their own affairs as other Indians?—A. They have not at present, but in the course of five, eight, or ten years I think they will have the capacity to do so.

Q. And the fittest will survive, I suppose, as in every other case?—A. Yes, sir. They have a good school system, and, as far as education is concerned, they are ahead of Kansas. The Cherokees have about ninety public schools.

Q. If you were going to establish a Government school for the Indian children where would you locate it, on the reservation or away from it?—A. I think they learn a little faster away from home than they do at home.

By Senator CULLOM:

Q. The parents are not as willing to have their children go away from home?—A. No, sir; especially the girls. The Osages in particular are very careful about their girls and do not want them to leave home at all. We have some trouble to keep the girls in school on the reservation.

TESTIMONY OF JOHN R. SKINNER.

JOHN R. SKINNER, having been duly sworn, was interrogated as follows:

By the CHAIRMAN:

Question. You are a trader at the Osage Agency?—Answer. Yes, sir.

Q. How long have you been such?—A. About three years.

Q. What was the name of your firm, or were you in business by yourself?—A. I was in business for myself.

Q. You have been alone in business all the while?—A. Yes, sir.

Q. You have had no partnership business?—A. I have had a partnership in this way: I have given an interest in the profits to a person and it has lately been considered a partnership business.

Q. You gave this interest to a clerk?—A. Yes, sir.

Q. But you have always held the license and carried on the business?—A. Yes, sir; I held the license and furnished the means.

Q. You had no difficulty in getting your license renewed?—A. No, sir; none in particular. I had not much trouble. I had to identify myself, or something of that kind; I do not know exactly what.

Q. As a Democrat?—A. I do not know really whether it was that or not, but I am a Democrat anyhow.

Q. And you let them understand you were, did you not?—A. Yes, sir. I always have been a Democrat.

By Senator CULLOM:

Q. You did not change your politics in order to get this place?—A. No, sir.

By the CHAIRMAN:

Q. You got your appointment under the old administration, under Commissioner Price, I suppose?—A. Yes, sir.

Q. Are you in favor of having a store out at Gray Horse and another at Hominy Creek?—A. No, sir; I do not think it is fair.

Q. Have the traders at the agency made any formal protest about it to the Department?—A. I do not believe they have; I have not.

Q. Why have you not done so?—A. I have been told by pretty high authority that no other license will be granted there, except Branham's; in fact, he told me so himself in private conversation; that Commissioner Atkins gave him that place and nobody else should go there. I was talking to him about the unfairness of the business and that is what he told me, and I thought that was sufficient ground why I should not make application. Some others may have made application; perhaps you will find out.

Q. You feel as if it was a sort of hopeless task to try to change it?—A. Yes, sir.

Q. Do you know why the Commissioner changed his mind in regard to that matter, if he did change it?—A. No, sir; I do not.

Q. The understanding of the traders there was that the goods were to be moved into the agency in January, 1886, was it not?—A. Yes, sir.

Q. And about that time Mr. Branham went there?—A. Yes, sir; I think it was about that time; I do not remember dates, though.

Q. When Branham said to you that the Commissioner had told him he could have that store and that nobody else would be sent there, did he say anything else as to why he was sure to keep it?—A. No, sir; I do not think he did. But we had quite a long talk about it, and he told me that General Atkins promised him that no one else should have a license out there. I asked him if he did not think it was very unfair and would finally cause him trouble, by reason of his having the exclusive right out there and not coming under the jurisdiction of the agent, as the balance of the traders did; that we were all under the direction of the agent.

Q. You are all under his eye so to speak?—A. Yes, sir; and I told him I thought it was very unfair that he should go out there and not adhere to the agent's rules or restrictions. He said he could be his own agent and the Department would risk him. I took it that that was sufficient ground for no one else to make application, and therefore I did not make any.

Q. I understand how you may be reluctant to answer this question, but I am going to put it to you, and it is a pretty direct one. Is there not a feeling down at the agency that Branham, by reason of his relationship to the Secretary of the Interior, runs things down there just as he has a mind to?—A. Yes, sir; there is such a feeling.

By Senator BLACKBURN:

Q. What relation exists between Mr. Branham and the Secretary of the Interior?—A. I do not know.

Q. Is there any relation existing between them?—A. He has told me that he was a law partner of the Secretary's.

Q. That does not make him kin?—A. Well, it is very near kin.

Q. Is it? Then I have more kin-people than I ever thought I had before; I have a dozen. When did he tell you that he was a partner of the Secretary of the Interior—I do not mean to ask the date of the conversation, but how long since he was the partner of the Secretary of the Interior in the practice of the law; did he tell you?—A. He did not tell me that; he simply told me that he had been a partner.

Q. If it should appear to be a fact, as it is a fact, that ten years ago or more he was a law partner of the Secretary of the Interior, would you think that made him a kinsman?—A. Why, no, sir; I don't hardly think it would; it is too long ago.

Q. He is barred by the statute of limitations. Have you stated to the committee all that passed between you and Mr. Branham that tended to make this impression upon your mind of which you spoke?—A. I think so, at the time.

Q. It consisted in a statement of his to you that he had a license to trade at this Gray Horse post and that nobody else would be allowed to trade there?—A. Yes, sir.

Q. Tell me what advantage would it be to the Indians to abolish that store at Gray Horse and the one at Hominy Creek?—A. Well, it would certainly be hurtful to the traders to keep it there and it would not hurt the Indians if it were removed.

Q. I ask about the Indians and not about the traders. Some of us have an idea that the Indian Office was not established for the sole purpose of making money for the traders.—A. I do not question that.

The CHAIRMAN. Except at Gray Horse.

Q. No, anywhere. I want to find out what advantage it would be to the Indians at Gray Horse or Hominy Creek to be obliged to go 25 miles to buy a bar of soap.—A. The Indians are not exactly like white people. I can go into an Indian's camp with a little plunder and I can trade him out of everything that he has got, and as long as I stay he will stay, if I have plenty to eat. You establish a little store in an Indian settlement and they will all go there and live with you, camp around you and neglect their fields, take their children with them and neglect their schools. Our schools are almost broken up. They are down there having their feasts and their medicine works, and they stay right at the stores, while before they would come to town, bring their wagons and buy their supplies, and we had plenty of competition in the trade, and then they would go home and work their little fields.

Q. You mean to say they will not stay around stores at the agency, but they will around the stores in the country?—A. You may go to any agency and you will find the full-blood element camping and living away from the stores, that is away from the agency, not the stores. If the stores go to them they do not go away. I dare say you can go to any agency and you will find but very few full-bloods right around the agency; they have their settlements off to themselves.

By the CHAIRMAN:

Q. Has the effect of the establishment of these stores at Gray Horse and Hominy Creek been disastrous to the school?—A. Not entirely; the school is going on yet.

Q. But it is not in as good a condition as before these stores were established?—A. No, sir.

Q. And not in as good a condition as if they were withdrawn, in your judgment?—A. No, sir.

Q. What possible reason was there for putting a store up at Hominy Creek?—A. I do not know.

Q. Do you know who recommended it?—A. No, sir; I do not.

Q. Do you know what influences established it there?—A. No, sir; I do not.

Q. Is there any well-defined understanding as to the means by which it was gotten down there, at the agency?—A. Only rumors; that is all. I do not know any of the facts.

Q. Do you know whether Mr. Branham recommended it?—A. I learned that he did. I do not know it though to be a fact.

Q. How is the agent going to know whether a schedule of prices to be charged by the trader is observed at Gray Horse or at Hominy Creek?—A. I do not understand you.

Q. When the stores were at the agency and the Indians came in did they or not buy supplies for a considerable period of time?—A. Yes, sir; they did.

Q. And took them home?—A. Yes, sir.

Q. The same as people living at a distance from stores do in the settlement?—A. Yes, sir.

Q. They do it as easily as people who live in the country can who go to town and get their supplies for their families?—A. Yes, sir.

By Senator BLACKBURN:

Q. The same reason exists for the establishment of a store at Hominy Creek as at Gray Horse, does it not?—A. The recommendation, I think, was made in that way.

Q. It is as far from the agency to Hominy Creek as from the agency to Gray Horse?—A. Yes, sir; it is about the same distance.

Q. Then if there is any reason for establishing one at Gray Horse the same reason would apply to Hominy Creek?—A. Yes, sir; I suppose so.

Q. The one at Gray Horse was established before the administration of Commissioner Atkins, was it not?—A. Yes, sir; there was one there before, but there has been trouble ever since about it. The agents have had trouble and everybody has had trouble.

Q. What is the reason why an agent cannot tell whether the schedule of prices fixed by the Indian Office is observed at Hominy Creek or Gray Horse as well as he can at the agency?—A. He can hardly see 25 miles away.

Q. He could ride there, couldn't he?—A. I suppose so.

Q. Could not one agent get on his horse and ride that distance as well as to have a large number of Indians travel to the agency?—A. No, sir; I think you would need two agents in that case.

Q. You think having agents is a good thing and you want more of them?—A. I think in that case we would need two agents.

Q. Does the agent stay in all four stores at that agency all the time to see that every pound of sugar and every pound of rice is sold under the terms of the regulations?—A. No, sir; but it only takes a few minutes to visit the stores at the agency.

Q. Does the agent visit them all?—A. Yes, sir.

Q. He is in all of them?—A. Some days, perhaps, he is not.

Q. Is there anything impracticable, if the agent is disposed to attend to his business, in seeing that the schedule of prices is observed at all these places? Could he not do it?—A. No, sir; not at the outside stores, I do not think.

Q. Could he not go over and find out from the Indians whether they had been charged too much?—A. No, sir; not every day.

Q. If he went once a week or once a month that would be enough?—A. Perhaps so.

By Senator CULLOM:

Q. What is the judgment of the Indians as to whether that store ought to exist now—the store at Gray Horse?

Senator BLACKBURN. Which Indians do you mean?

Senator CULLOM. I mean the Indians who trade there.

A. They have remonstrated; those who trade there have.

By Senator BLACKBURN:

Q. Have they remonstrated lately?—A. Yes, sir; but I do not know how recently.

By Senator CULLOM:

Q. The establishment of these outside stores has been under their constant protest?—A. Yes, sir; they complained to our inspector the last time he was down there.

Q. And they did not do that under your dictation or suggestion?—A. No, sir; I did not know anything about it, but I learned the other day that the traders had something to do with it.

Q. Have you been down to the Gray Horse tradership much?—A. No, sir; very little.

Q. You do not know whether liquors are sold there or not?—A. No, sir.

By the CHAIRMAN:

Q. Do you get competition among the traders there at the agency so that they could sell goods at less than the schedule prices?—A. I do it; yes, sir.

By Senator CULLOM:

Q. You do sell goods at a less rate than is prescribed by the schedule of prices?—A. Yes, sir.

By the CHAIRMAN:

Q. You strive for trade, I suppose?—A. Yes, sir. They sell many goods as cheap as they do here in Arkansas City.

By Senator BLACKBURN:

Q. Did you ever hear anything about Mr. Branham's getting $2,000 for holding two licenses at Gray Horse?—A. I have heard it, but I do not know it to be a fact. It is only a rumor.

Q. Did you ever talk with Branham on that subject?—A. No, sir; he never told me anything about it.

Q. Do you remember anybody who told you that such was the fact?—A. I am hardly prepared to say positively, but I think that Mr. Hartley did, for one.

Q. He is a trader there at the agency, is he not?—A. Yes, sir.

By the CHAIRMAN:

Q. It is common talk all around there, is it not, that that was the arrangement between Schiffbauer and Branham; that Branham was to have $2,000 more than Schiffbauer in consideration of the fact that he could hold those two licenses?—A. I have heard it stated in that way, but I never heard Mr. Branham say so. I have no evidence of it.

Q. I did not intimate that you had any information about it, but that has been the common talk there?—A. Yes, sir.

By Senator BLACKBURN:

Q. Was that considered to be because of the supposed influence Branham had with the Department?—A. Yes, sir.

The select committee then adjourned until Wednesday, May 11, 1887, at 9.30 o'clock a. m.

ARKANSAS CITY, KANS.,
Wednesday, May 11, 1887.

The select committee met, pursuant to adjournment, at 9.30 o'clock a. m.

TESTIMONY OF J. WADE McDONALD.

J. WADE MCDONALD, having been duly sworn, was interrogated as follows:

By Senator BLACKBURN:

Question. Will you state what, if any, connection you had with securing the appointment of a Mr. W. J. Hodges as an Indian trader at the Ponca Agency, I believea year or more ago?—Answer. I had no agency whatever in securing Mr. Hodges's appointment, except that I believe I wrote out his application for appointment and signed his recommendation and forwarded his papers to Judge John Martin, of Topeka, Kans. The next I heard concerning the case, however, was a notice that I saw published in the newspapers announcing his appointment.

Q. Did you make any trip to Washington in connection with that application?—A. I did not, sir.

Q. Did you have an interview with the Commissioner of Indian Affairs, or with the Assistant Commissioner of Indian Affairs, with relation to it?—A. Not with relation to the appointment of Mr. Hodges. I had an interview with the Commissioner of Indian Affairs and also with the Assistant Commissioner of Indian Affairs in respect of some matters connected with the tradership at Ponca, but it was long after the appointment of Mr. Hodges.

Q. What was that; with reference to his renewal of license, or what?—A. One interview I had with him was with reference to the renewal of his license, or if that could not be secured, then my object and request was to secure for Mr. Hodges time enough to close out his stock of goods there and collect the indebtedness due him from the Indians.

Q. Was that about the time that his license for one year was to expire?—A. It was shortly prior to the expiration of his license, I believe.

Q. Did he pay you any fee for your services in that behalf?—A. He never did.

Q. He did not pay you for your trip to Washington or your services that you attempted to render him with the Indian Office?—A. He never did. I never charged him any fee and never received one.

Q. Did he pay your expenses?—A. He did.

Q. That was not with reference to his original appointment, I understand you, then?—A. No, sir; it was long after his appointment had been made.

Q. Do you know anything about the present marshal of the State of Kansas, a man named Jones, being upon the recommendation or application of some one other than Hodges for that place?—A. I do not. I know, however, that the present marshal of the State of Kansas, W. C. Jones, indorsed the application of the former trader at Ponca, Mr. Joseph Sherburne, I think, to be permitted to remain there to dispose of his goods. It is possible I may be in error about that, and that it was an application for a reappointment.

Q. Did the Commissioner of Indian Affairs or the Assistant Commissioner of Indian Affairs say to you, or to any one else so far as you know, that it was necessary to get Mr. Jones's name off of Sherburne's

application before Hodges could be appointed?—A. Neither of them ever used any such language to me. As a matter of fact Hodges had been appointed, and was down at Ponca engaged in his avocation as a trader there some months at least before I ever knew that Mr. Jones's name was attached to any paper connected with the matter.

Q. Did you have anything to do with getting Mr. Jones's name off Sherburne's papers and on to Hodges's papers?—A. No, and yes. I answer that question in that manner from the fact that it needs explanation. So far as I remember, Jones's indorsement does not appear upon Hodges's papers in any way. It has been so long ago that I would not undertake to state definitely whether it was an application for a reappointment that Sherburne had filled with Jones's indorsement, or whether it was an application to be permitted to remain there and close out his goods. It was one or the other, and when I noted the indorsement of Jones I was considerably surprised thereat knowing him to be quite an active, and to some extent a partisan, Democrat. I wrote to Mr. Jones asking him how it occurred that he had indorsed Sherburne. But it was not at the request or instance, or upon any suggestion made me by either the Commissioner of Indian Affairs or his assistant, or any person connected with the Indian Office, or with any Department of the Government for that matter; it was purely to gratify my own curiosity.

Q. You are a Democrat, are you not?—A. Yes, sir; I am.

Q. Are you a member of the State central committee?—A. No, sir; I am not.

Q. Were you at any time?—A. No, sir; I never was.

By the CHAIRMAN:

Q. Or a member of the county committee?—A. No sir; I never was a member of the county committee.

By Senator BLACKBURN:

Q. What did Mr. Jones say in response to your inquiry?—A. Mr. Jones wrote me in reply that he had made the indorsement under the belief that Sherburne was a Democrat, and that if he was not, he desired that his indorsement should be withdrawn, or words to that effect; I cannot remember the exact phraseology. I forwarded the letter, I believe I did, I am pretty positive that I forwarded Mr. Jones's letter to the Commissioner of Indian Affairs, and did that simply in justification of myself. When I ascertained that Mr. Jones's indorsement was upon Sherburne's papers, I think I said to Commissioner Atkins or to Assistant Commissioner Upshaw (I will not undertake to say to which one it was), that I was very much surprised at it, and fully believed that the indorsement had been given under some misconception of the facts by Jones; and I stated then unequivocally, from my personal knowledge of Sherburne, that he was not a Democrat, but on the contrary that he was quite a rustling Republican politician, and had upon several occasions, or some occasions at least, left his agency to come up here into Cowley County to intermeddle with county politics.

By the CHAIRMAN:

Q. In other words, that he was quite an offensive partisan?—A. Yes, sir; that is about the size of it. Therefore, after obtaining this letter from Mr. Jones I forwarded it there. I was unacquainted with the Commissioner of Indian Affairs; he did not know much about me, but I believe I had some indorsements from General Blair of this State, and my only object in forwarding Mr. Jones's letter (if I did that, and it is

is my recollection that I did), was simply to show to the Indian Office that the statement I had made in regard to the probabilities under which Mr. Jones's indorsement had been obtained, were true.

By Senator BLACKBURN:

Q. Do you know anything about Major Osborne's connection with Sherburne's application?—A. Yes, sir; I know something concerning that matter.

Q. Who was county clerk of your county at that time?—A. J. S. Hunt.

Q. Do you know him?—A. Very well.

Q. Do you know a young man named Gray, who was for a time deputy county clerk under Hunt?—A. Yes, sir; I know Gray. I do not think he was, however, deputy county clerk during the summer that Hodges was trader down there. He may have been, however; I did not pay much attention to that.

Q. Did you ever have any conversation in the office of the county clerk in the presence of Mr. Hunt or Mr. Gray, or either of them, in which you told how you had gotten the name of Jones off the Sherburne papers and on to Mr. Hodges's papers?—A. No, I never had any such conversation anywhere, from the fact that I never did anything of the kind, and consequently could not have talked about it.

Q. Did you ever say in the presence of those two gentlemen, or either of them, that Major Osborne had a good deal of influence at Washington, but that you would undertake to bluff him or bully him from his support of Sherburne into the support of Hodges?— A. I never did say anything of the kind to any body, at any time or place.

Q. Did you have any conversation upon that subject, explaining what service you had rendered and what you had accomplished in that regard whilst you were in Washington, before either Hunt or Gray?—A. I do not now remember ever having mentioned the subject before either of them. It is possible, however, that I may have said something with regard to the matter, but I have not the remotest or slightest recollection of it.

Q. Are you positive that you never did tell them, or either of them, that you had been instrumental in gaining Marshal Jones from the support of Sherburne to that of Hodges, and that you intended to do the same thing with Osborne?—A. I am positive that I never made a statement of that character to any person, from the fact that, as I have already stated to you, I have no recollection of Jones ever having indorsed Hodges. I do not think I ever asked him to do so. I merely asked him how it occurred that he had signed Sherburne's papers, and I never understood that Major Osborne was meddling himself in the premises. I desire to say, in explanation of my statement, that I knew something of his having some connection with Sherburne's application; that I read a letter on file in the office of the Commissioner of Indian Affairs from Major Osborne, agent at Ponca, referring to Sherburne's application, either to be continued or to be permitted to remain to close out his business. But it was not a partisan letter. Major Osborne's attitude was an unexceptionable one in the premises. He merely said that he had made some inquiry among the Indians, and had been informed by them that they were quite well satisfied with Mr. Sherburne, and that from all he could ascertain in the matter that Sherburne had been a pretty good man for the place, or something of that kind, and that he thought some courtesies were due him, or some advantages, or something of that sort. It was a pleasant, fair kind of a letter, and one

to which I have no exception as Mr. Hodges's friend. In fact there was nothing in it to which I could have taken any exception.

Q. Mr. Hodges and yourself live in the same town, do you not?—A. Yes, sir.

Q. Now, do I understand you to say this: That you had nothing to say either to the Commissioner or the Assistant Commissioner of Indian Affairs about this matter, either verbally or by writing, until after Hodges had been appointed trader at Ponca?—A. Yes, sir; I state that distinctly, with the single modification that I signed the recommendation of Hodges.

Q. But you had had no personal interviews with either the Commissioner of Indian Affairs or the Assistant Commissioner?—A. No, sir; I never saw the Commissioner of Indian Affairs or any one connected with his office at present, to my knowledge, until about the latter part of July, 1885.

Q. And you had had no correspondence with them other than to sign Hodges's application?—A. Not that I have the slightest recollection of; I feel very confident that I had not.

By the CHAIRMAN:

How many times did you go to Washington for Hodges on this business?—A. I never went to Washington definitively for Hodges at all—oh, I beg your pardon. The last trip that I made to Washington in which the subject of Mr. Hodges's appointment was talked of between the Commissioner of Indian Affairs and myself at all, was mainly in Hodges's interest, although there were some other matters I had to attend to; that was in May, a year ago, during the first week of May, I believe; that was not, however, to secure his appointment, but to secure, if practicable, either a renewal of his license as a trader or an extension of a few months sufficient to enable him to dispose of the goods on hand and collect his debts.

Q. If, then, Hodges testified that he secured his appointment through you, and that he paid you $200 for securing it for him, that amount being your expenses for two trips, he was mistaken?—A. Yes, sir; unquestionably; from the fact that as I tell you his appointment was made some two or three months before I went to Washington. The record in the Indian Office will show, I suppose, when he was appointed trader, and I can state positively and unequivocally now that I was not in Washington prior to the 23d or 24th of August, 1885.

Q. Well, he did pay you $200, did he not?—A. He gave me $200 for expense money on the two trips that I made; money that I spent during the two trips. I wish to explain something that I may have overlooked. After his appointment had been made (and I believe it was after I had gone to Washington the first time in the interest of some other parties) Hodges desired the appointment of postmaster at Ponca, and desired me, as he wrote me, to remain there until I secured his appointment, if possible. And I did remain in Washington some two weeks longer than I otherwise would in order to secure his appointment, and that of another gentleman, as postmaster at a place in the Territory. The cause of my remaining there that length of time was, that General Stevenson, the First Assistant Postmaster-General, was absent from the city for a week or ten days or two weeks—I do not remember exactly what length of time—and I requested Mr. Hodges to pay my expenses during that time because, as you gentlemen know, it costs something to live in Washington.

Q. You have to leave within a few minutes to take the train, have you not?—A. Yes, sir.

Q. There would be nothing very strange in the fact that you would have spoken to Mr. Hunt of the fact that Marshal Jones indorsed some application for Sherburne, would there?—A. Why, nothing particularly strange about it. I apprehend that I have referred to the fact several times in Winfield, among my acquaintances there, but I cannot see why I should have referred to it in the presence of Hunt or Gray, both of whom are Republicans, and known to be Republicans, and neither of them interested in the matter in the slightest degree so far as I know, and I have not the slightest personal recollection of the matter. I can see no reason why I should have mentioned it.

Q. How is the Democratic State committee of Kansas constituted; one for a county, and one for a Congressional district, or don't you know?—A. I really do not know. I suppose there are twenty-four members of the State central committee.

Q. I will change the form of question then. Who was the committeeman for this county, Cowley County?—A. The chairman of the Democratic central committee of Cowley County was S. G. Geary.

By Senator CULLOM:

Q. The State central committee is not made up of chairmen of the county committees?—A. I cannot really tell you now.

By Senator BLACKBURN:

Q. Was Geary a member of that State central committee?—A. I did not so understand it.

By the CHAIRMAN:

Q. You had considerable to do with the obtaining of rewards for the faithful in this county, did you not?—A. I cannot say that I had very much to do with it, but I did my utmost to see that the faithful were rewarded.

Q. Did you get paid by other people for your expenses in that respect?—A. Very little. I think there was one time when some gentlemen clubbed together and made up a purse of $100 or $150, possibly, all told. I desire to say in that connection, Mr. Chairman, that my personal expenses on the two trips at Washington were something over a thousand dollars, and that the contributions that my friends voluntarily offered to make to defray that were less than $400, probably $325, all told.

Q. You have spoken of that fact, I suppose, that your expenses were a thousand dollars?—A. I really do not know; it is possible I may have done so. I have deprecated the fact several times that I was called upon and expected by my friends to devote as much time and trouble in their behalf as has been the case. I never have been a very active politician, as you might infer from my want of knowledge as to the manner in which the State central committee is constituted. I never have been in but one State convention in Kansas, and my sole connection with the politics of the State has been that of a layman, so to speak, except on one occasion when I was Democratic candidate for Congress in the old third Congressional district against Mr. Thomas Ryan, with whom you are acquainted.

The CHAIRMAN. If your time is up I will not detain you further.

The WITNESS. I regret I cannot give you more time, and am obliged to you for your courtesy in letting me off in time to catch my train.

TESTIMONY OF JOHN C. KEENAN.

JOHN C. KEENAN, having been duly sworn, was interrogated as follows:

By the CHAIRMAN:

Question. You are in charge of the Kaw Agency, are you not?—Answer. Yes, sir; and the schools.

Q. And are subagent, or clerk?—A. I am superintendent of schools at the Kaw Agency.

Q. Do you know when Mr. Puckett first received a license?—A. I do not.

Q. Did his license come through your hands?—A. No, sir.

Q. I mean at the agency?—A. No, sir.

Q. You do not know how long he traded there before any license came at all?—A. I do not.

Q. Did he trade a considerable time before he got his license, or don't you know?—A. Indeed, I do not know whether he has a license or not.

Q. Did one come for him that you sent back?—A. No, sir.

The CHAIRMAN. Then I was mistaken about what you knew in regard to the matter.

By Senator BLACKBURN:

Q. Is Puckett trading there now?—A. He has been; he is still at the store, but I do not know that he is trading any.

Q. He is not trading there now?—A. No, sir; he is not selling anything that I know of; he is still at his store as postmaster.

By the CHAIRMAN:

Q. Who is trading there?—A. I do not know of any one; Puckett has been trading for some time, but I do not know whether he is at present.

Q. Is his store open?—A. Yes, sir; his store is open.

Q. Is any one selling goods at the store?—A. There are no goods there to sell.

Q. He has sold out?—A. Yes, sir.

Q. There was no correspondence relating to the license which passed through your hands?—A. No; I do not know that there was in regard to the license.

Q. Mr Brenner was there trading, was he not?—A. Yes, sir; he was the former trader.

Q. He went away?—A. Yes, sir.

Q. When did he go?—A. I think probably the last of December or the 1st of January.

Q. And Mr. Puckett commenced trading when Brenner went away; he took Brenner's place?—A. Yes, sir; he was in the store.

Q. Did you ever inquire whether he had a license to trade or not?—A. No, sir; I did not.

Q. Was it not your duty to ascertain whether a man was trading there with or without a license?—A. I do not know, sir, that it was my duty; it was left wholly in the hands of the agent, I presume, and they had been in correspondence with the agent.

Q. There is no agent at what is called the Kaw Agency, is there?—A. No, sir; no one but the superintendent or clerk in charge.

Q. You represent, as far as any one does, the agent there, do you not?—A. Yes, sir.

Q. You had no correspondence with the agent yourself as to whether Puckett had a license?—A. No, sir; the agent never wrote to me or I to him about the matter; they had been to see the agent they informed me.

Q. And you did not think it was of consequence enough to inquire whether the man who was trading there had a license or not?—A. No, sir.

Q. You do not understand that he has any license?—A. No, sir; I do not understand that he has a license.

Q. Do you know why he has ceased to sell goods; did you tell him not to sell goods until he got a license, or anything of that sort?—A. No, sir.

Q. Where do the Indians in that neighborhood get their supplies?—A. Indeed I do not know, sir, at the present time. They have been getting what little they had from that store while the goods were in the store.

Q. How long is it since they have ceased to get goods at this store?—A. Well, perhaps it has been three or four weeks, or probably not so long, since they have got anything of any consequence there.

Q. Is the postmaster there?—A. Yes, sir.

Q. Who is postmaster?—A. Mr. Puckett.

Q. Was not Brenner postmaster before him?—A. Yes, sir.

Q. And it was changed to Puckett when he came there?—A. Yes, sir.

Q. How many Indians are there in that neighborhood?—A. All told, about one hundred and ninety-eight on the reservation; the Kaw tribe.

Q. What amount of annuities do they get?—A. They drew nearly $3,800 last year.

Q. Was that for a year or six months?—A. That was for one year.

Q. Where do they naturally get their supplies; if they cannot get them there, where will they have to go?—A. Some of them come to this place—Arkansas City.

Q. It is about five months since Puckett came there, then?—A. Yes, sir; I judge somewhere near that time.

Q. And you never considered it was a part of your business to inquire whether he had a license, or was going to have a license, or anything of the sort?—A. I understood that he was going to have a license and that he had his license.

Q. From whom did you understand that?—A. From Mr. Puckett himself.

Q. You do not know that any license came to him and was returned again to Washington?—A. No, sir.

By Senator BLACKBURN:

Q. Whose business was it to know whether the trader there was licensed or not?—A. I presume it was the business of the agent.

Q. Who was the agent?—A. Colonel David.

Q. It was not your business, then, was it?—A. No, sir; I did not think it was. I was not told by the agent to find out anything about it.

Q. You were simply acting there under the authority of the agent?—A. Yes, sir.

Q. You were the superintendent of schools?—A. Yes, sir; I am superintendent of schools.

Q. So that you had nothing to do with the question of the traders being licensed or not?—A. No, sir; I did not consider that I had anything to do with it; at least I have not been instructed in that way.

Q. You were then, and are now, the superintendent of schools there?—A. Yes, sir.

Q. And Colonel Davis was the agent?—A. Yes, sir.

Q. And he was succeeded by Special Agent White?—A. Yes, sir.

Q. And Agent White is now the agent?—A. Yes, sir.

Q. How far is it from Kaw to this place, Arkansas City?—A. It is about twenty five to thirty miles.

Q. That is, it is twenty five to thirty miles distant from here?—A. Yes, sir.

Q. How far is it from Kaw to the Osage Agency?—A. It is considered about 40 miles.

Q. So that those Indians were 25 miles from here, from this city, and about 40 miles from the agency?—A. Yes, sir.

TESTIMONY OF HARRIS BRENNER.

HARRIS BRENNER, having been duly sworn, was interrogated as follows:

By the CHAIRMAN:

Question. You have been an Indian trader, have you?—Answer. Yes, sir.

Q. From what place were you appointed?—A. From Mississippi.

Q. What town in Mississippi?—A. Oxford.

Q. Is that the same town where Mr. Branham lives?—A. Yes, sir.

Q. Through whom did you get your appointment as trader at Kaw?—A. I got it through a great many of my friends.

Q. Did Mr. Branham help you to get it?—A. No, sir.

Q. As your name does not appear at all upon the records which have been furnished to the committee by the Indian Office, I will ask you to state who did recommend you; please state some of the principal men who recommended you.—A. I was recommended by Col. A. A Barr, attorney at law at Oxford, Miss., N. B. Owings, John Hall Kemens, W. V. Sullivan, George Hill, the United States judge—and by the way he is a Republican also—and a good many others; I expect the best citizens of the town.

The CHAIRMAN. That is enough.

By Senator BLACKBURN:

Q. Did the Representative of that district in Congress indorse your application?—A. Yes, sir; that is J. B. Morgan who lives at Hernando, Miss., about 50 miles from us.

By the CHAIRMAN:

Q. When did you get your license to trade at Kaw?—A. I think it is just about a year ago, or somewhere near there.

Q. You sold out to Puckett?—A. I did.

Q. How came you to sell out?—A. Well, there are several reasons.

Q. Puckett did not have any license when you sold to him?—A. I did not sell to him until I understood that he had a license. At least I proposed to sell, and we talked about my selling it, but he never bought it until, I think, he had a license.

Q. Did he come to buy of you, or did you go and find him as a purchaser?—A. Well, he was around there and we talked about mat-

ters. I really do not know whether I proposed to sell to him or he proposed to buy from me; I cannot tell you.

Q. What occasion had you for selling?—A. Well, there are probably two or three different reasons.

Q. What were they?—A. One reason was there was not trade enough to justify me in staying there. The second reason was that I could not possibly get along with the people living there, and I proposed to get out if I could sell; in fact, whether I sold or not I proposed to get out.

Q. Did you have any other place in view to go to when you proposed selling?—A. I proposed to sell before I ever knew about going to any other place, until I found a place where I could buy, and then I proposed to make the sale to Puckett, and did make it to him provided he could obtain a license. That was the agreement in regard to the trade, providing that he could obtain a license.

Q. Did you promise to assist him in getting a license?—A. Yes, sir; I did. I told him if I could do anything for him I would do it.

Q. What did you do towards helping him get a license?—A. Well, sir, I went to Washington City, not on account of his license but on account of my own, to see if I could obtain a license where I am at the present time.

Q. Did you take letters from Mr. Branham?—A. No, sir.

Q. Had you talked with Mr. Branham about buying his business at Osage before you went to Washington?—A. Yes, sir. Mr. Branham was not the first man I talked with; it was Mr. Schiffbauer, the man who is living in town here. He proposed selling it to me before I ever though of buying it.

Q. Who was running the store at Osage; who was staying at Osage?

The WITNESS. At that time when I bought it?

The CHAIRMAN. Yes.

The WITNESS. Well, sir, Mr. Branham, Mr. Florer——

Q. I mean in that store which you bought?—A. I am speaking of that; Mr. Branham, Mr. Florer, Mr. Finney, and one or two more, probably, I do not know.

Q. But Mr. Schiffbauer was staying at Gray Horse?—A. Mr. Schiffbauer had charge of the Gray Horse store; yes, sir.

Q. Why did you not go to Mr. Branham to buy if he was in charge of the store?—A. Well, I did. I did not go to buy of either one of them. But it was talked about and Mr. Schiffbauer proposed it. I told him I did not know whether I could obtain a license, but if I could I would buy it, and I did get a license—at least it was promised to me—and I bought it and paid him the money, just what he asked for it. I paid him $6,000 in cash, about.

Q. You went to Washington to get a new license?—A. I did.

Q. Did you take any new recommendations with you?—A. No, sir; I took no new ones.

Q. You took no letters from Branham?—A. No, sir.

Q. And none from Schiffbauer?—A. No, sir.

Q. And none from anybody around there?—A. No, sir. But if you wish for me to make a statement as to how I got it I will tell you how I got it.

Q. Certainly; I should like to know.—A. I went to General Atkins and stated the case to him; that I was about to sell there; that I could sell out, and was about to buy out Branham & Schiffbauer at the agency, and he told me that he did not know about it; he says, "Does Schiffbauer want to sell?" I told him that he did, and he told me to call again after that. I came again and I heard him say in the presence of

myself, Mr. Branham—and I do not remember who else was present, but I think Miss Cook in the office—he says, "If Schiffbauer doesn't want it at all I will give Branham his license, but if he wants it I will give it to him." That is just what he said.

Q. That was in the presence of whom?—A. In the presence of Branham and Miss Cook, as well as I remember, the lady who stays in the office there.

Q. Who is Branham?—A. This gentleman here [indicating]; H. B. Branham.

Q. He went with you to Washington, then?—A. Yes, sir; he went with me.

Q. That was a good reason why you did not take a letter with you?—A. Yes, sir; I did not think it was necessary; it amounted to the same thing, I guess.

Q. Then Branham went with you to Washington to help you get that license?—A. No, sir; he did not.

Q. Did you find him there in Washington, or did he go there with you?—A. He went with me, but he went there to buy a stock of goods, which he did buy.

Q. At Washington?—A. No, sir; not at Washington, but in the Eastern cities I suppose. I never asked why he went.

Q. Did you know when you went to Washington to get a license that Branham was going there or had gone there?—A. I reckon so. I was with him.

Q. You went all the way with him?—A. Yes, sir; and so did Mr. Bird, and four or five of us went together a part of the way.

Q. Did they all go to Washington?—A. Some of them went and some did not. I do not know where the others went, but we went as far as Saint Louis together and some as far as Kansas City.

Q. Why did the Commissioner ask if Schiffbauer wanted to sell? Branham was the man in the store.—A. He did not ask me why Schiffbauer wanted to sell; he says if Schiffbauer don't want to be retained there he would give me the license, otherwise he would not. He did not say why did Schiffbauer want to sell.

Q. But Schiffbauer was not at the store and Branham was there?—A. Yes, sir; Branham was there.

Q. Branham did want you to come there?—A. He can speak for himself.

Q. He was there?—A. Yes, sir.

Q. What did he tell the Commissioner about it?—A. I do not know. I was present, but I cannot recall the words, and he can speak for himself if he appears.

Q. Did he go with you when you first went to see the Commissioner?—A. No, sir.

Q. Who introduced you to the Commissioner, or had you seen him before?—A. I had seen him before.

Q. You were a friend of his?—A. I had seen Commissioner Atkins before.

Q. Where did you see him before?—A. At Kaw Agency; that was the first time I ever saw him.

Q. But you both went up there together, Branham and yourself, when you went to get your license?—A. Yes, sir; we both went together.

Q Have you got your license?—A. No, sir.

Q. How long ago did you commence to trade at Osage Agency?—A. I commenced about the 27th or 28th of December, there.

Q. About five months ago?—A. Yes, sir.

Q. Schiffbauer did not make any objection to your having a license there?—A. No, sir; he was very willing to sell out, and was glad of an opportunity; he told me so two months before he sold out.

Q. And Commissioner Atkins was given to understand that Schiffbauer was willing to do so?—A. Yes, sir; I told him so.

Q. Why have you not got your license?—A. I do not know; I cannot explain; those other gentlemen can explain.

Q. You have been trading there all the while?—A. Yes, sir.

Q. And are trading there now?—A. Yes, sir; I am.

Q. Has anybody got a license for that place, to trade there at the store where you are trading?—A. I do not know.

By Senator CULLOM:

Q. How do you happen to be trading there if you have no license?—A. Oh, I thought I had a license all the time.

Q. Well, where was it; did you think you had it in your pocket?—A. No, sir; I didn't think I had it in my pocket, but I thought the agent had it and had pigeon-holed it.

By the CHAIRMAN:

Q. That was Agent David that you refer to?—A. Yes, sir; that was Agent David. I do not know; I could not account for it. I will explain why I thought I had a license.

Q. Well, explain it.—A. I asked Commissioner Atkins whether I was required to make an application for Osage after I had come there and given reference, and he said no; and I thought it was done away with. I told him I could not make bond in Washington City without a good deal of trouble, as I was not known there and I wanted to go home. I told him I would go home and make a bond and send it to the Department, which I did. I made a bond and sent it to the Department.

By Senator CULLOM:

Q. What do you mean by going home—to Mississippi?—A. Yes, sir; down to Mississippi; that is where I lived for eighteen years. So I took it for granted that my bond was received and my license was forwarded. I waited for some time and it did not come, and I thought if there would be anything wrong the Department would certainly notify the agent or something of the kind, and I just thought that Agent David had it and had stuck it in some place and had forgotten it.

Q. What did he say about it?—A. I asked him, and he said he could not recall whether the license came or not; that some license came, but he did not remember exactly about it. Well, I waited for a long time and finally I wrote to the Department about it and told them the license was probably missent to some place, but I did not get any answer.

Q. They did not remember whether they had sent it there or not?—A. I say I did not get any answer to the letter at the time.

Q. Did you ever get any answer?—A. I went there myself.

Q. You went back to Washington?—A. Yes, sir.

Q. What happened then?—A. Well, it happened that some charges had been preferred against me, and they wanted to hold up with it and investigate the matter to see whether there was anything in it or not.

Q. Then you found out that Agent David did not have it laid away?—A. Yes, sir; I did.

Q. Then what did you do; did you just keep right on trading?—A. Yes, sir; with their permission.

Q. Did they give you permission?—A. Why, certainly they told me to go on and attend to my business and they would investigate it, and if the charges were true they would put me out.

Q. Did they give you that permission in writing?—A. No, sir; I did not think it required it.

Q. They told you to go back home and go to work, did they?—A. Well, I took it for granted that I could trade.

Q. It seems to me you have been taking it for granted a good while?—A. Well, I had good reason for it, certainly.

Q. When was it that you first made application for a license?—A. My first application was a little over a year ago.

Q. I mean for this tradership, the Osage Agency tradership?—A. I did not make any application at all; I went there in person.

Q. You made the application in person?—A. Yes, sir.

Q. When was that?—A. That was some time in December.

Q. And you did not hear anything at all about it until you went back; how long was that?—A. It was some time.

Q. And when did you go back to Washington to find out what was the matter?—A. Oh, that was only a month ago.

Q. You went back only a month ago?—A. Well, probably it was six weeks ago.

Q. So that it was several months before you went back to find out anything about it?—A. Yes, sir.

Q. And then you say they told you to go along until they investigated what your condition was?—A. Yes, sir; and I reckon the investigation is going on now.

Q. Where?—A. I do not know where.

Q. What do they charge you with; what was the trouble with you?—A. Oh, I don't know altogether.

Q. Didn't you find out?—A. No, sir; not to amount to anything.

Q. But you tried to find out?—A. Yes, sir; I did.

Q. Wouldn't they tell you?—A. No, sir; they would not. I did not ask them exactly what the charge was.

Q. You did not want to know, did you?—A. Yes, sir; I did want to know.

Q. Then why didn't you ask them?—A. I did ask some of them, but I suppose it was not their duty to tell. I found out part of it.

Q. What was it?—A. It was some little business which was transacted between myself and Agent David some six or seven months ago. I received an order from Colonel David to deliver 3,850 feet of lumber at the Kaw Agency for the Kaw school, and I delivered it.

Q. Was that contrary to the regulations?—A. I did not think so.

Q. Does the Department think so?—A. I don't know whether they do; they have not told me yet.

Q. How did you come to deliver it; did you buy the lumber and deliver it?—A. Yes, sir; I bought the lumber in this town and delivered it there.

Q. And the Department made complaint about it?—A. No, sir; the Department did not make complaint about it.

Q. But somebody else did?—A. Yes, sir.

Q. Who did?—A. Mr. Bannister.

Q. Who is he?—A. The inspector.

Q. Where is he?—A. I do not know.

Q. Is he investigating it now?—A. I do not know; he has been.

Q. What do you think is going to be the result; are you going to get the license out there?—A. I do not know.

Q. Do you care?—A. Well, I have got $21,000 in it, and I reckon I do care.

Q. You seem to be a pretty easy-going sort of a man?—A. Oh, yes, sir; I am. I have $21,000 invested in my business, and I expect I ought to look after it.

Q. I should think in view of the amount of money you have invested there you would be uneasy about it?—A. A man who has a clear conscience never feels uneasy.

Q. Your conscience is perfectly clear?—A. Yes, sir; on that subject perfectly clear.

Q. I should think it was on all subjects.—A. On that particular one it is.

Q. In that one particular?—A. As far as the agency regulation is concerned I do.

Q. You do not feel that you have violated any law or regulation?—A. No, sir; I do not.

Q. And hence you think that the license will come along in due time?—A. If I get any justice it certainly will, and that is all I ask.

By the CHAIRMAN:

Q. What was the particular thing that Inspector Bannister complained of with reference to your lumber transaction?—A. As I understand, he made a statement or a certain report to the Department that I had bought this lumber from the Berger Lumber Company and paid $81, according to his calculation, the freight of which amounted to $19, or something of that kind, which makes a clear profit of $51.

Q. Eighty-one dollars and the freight would amount to $100.—A. Well, the amount that I charged for it was $154.

Q. And that made a profit of $54?—A. No, sir; a profit of $51, I think; I do not remember exactly; that is his statement, which I denied; I denied it emphatically.

Q. You denied that you made any profit on it?—A. No, sir; I said I made a profit, but not a profit of $51; and he says he has reason to believe that this money was divided between myself and Agent David.

Q. And you claim it was not?—A. Yes, sir; I do.

By Senator CULLOM:

Q. You claim you got all the profit there was in it yourself?—A. Certainly.

By Senator BLACKBURN:

Q. What was the profit you made?—A. I want to tell the gentlemen exactly the very fact of it, that I never bought a foot of lumber in my life from the Berger Lumber Company, and this man that I bought the lumber from is right here, and I prefer to have him summoned and brought up here to make a statement as to whether I bought the lumber from him or from the Berger Lumber Company. At the time the lumber cost me $91 and some cents here, for which I paid cash and got a discount, and it cost me $91, and the freight cost 25 cents a hundred pounds, amounting to $23.50, and the original order which I got from Colonel David I gave to Inspector Bannister. The order said that he wanted this lumber delivered at once for the school-room, I think, or the school-house, and I went to Arkansas City at an expense in coming and going, and it left me a profit of $24 or $25, and I had to wait three or four months or over for the money. That is a correct statement of the facts, and I can prove it right here in Arkansas City by the people I bought that lumber from. It was alleged that I bought the lumber from the Berger Lumber Company, but I never bought a

foot from them, and do not know these people if I would see them. They may be right here now for all I know; I never saw them.

By the CHAIRMAN:

Q. What was your bargain with Branham & Schiffbauer when you bought them out at Osage; how did you pay them, what did you give, or what were the terms on which you bought them out?—A. I gave them cost, less discount for cash, for all the goods they had. I gave them 15 per cent. less than cost for the buildings. Part of the buildings they had built lately, and I paid them dollar for dollar for those—that is, the cellar and corral; and I paid them for the fixtures, whatever they had, dollar for dollar, which amounted in the aggregate to about $6,000.

Q. Including the buildings and stock on hand?--A. Yes, sir.

Q. That is, your purchase of them amounted to about $6,000?—A. Yes, sir; somewhere in that neighborhood.

Q. Did you pay them cash?—A. I paid cash for all of it except that to Schiffbauer I paid $2,100 or $2,200 cash for his part, and there was about $400 or $500 lacking, and I gave him my note at 10 per cent. interest for three months, and he is in possession of my note now. I told him whenever he wanted his money I would pay him.

Q. How about Branham; in what way did you pay him?—A. I paid him all I owed him at the time, and Schiffbauer at the same time, only the difference is this—I will make a statement in regard to that so that you will understand it exactly: After I came back from Washington City and had been there some time, after we had taken stock, the stock at Osage only invoiced about $4,000 or a little over, and it requires a stock there of about $10,000 to do the business, and I had to go to Saint Louis to buy stock. So I asked Schiffbauer this I said to him: "Now, if you want your money I will pay you according to agreement right now, but it would be an accommodation to me if I could give you all but $400 or $500, and if you would wait for me a few weeks to pay the rest it would be a great accommodation." He said he would do so, and that is the way it happened. The agreement was to pay cash, but I asked him as a favor to do this, and he granted it.

Q. Mr. Branham owned one-half of it, did he not?—A. No, sir. Mr. Branham's part was paid in cash; that was his part of it.

Q. You paid Branham in cash and you paid Schiffbauer in cash, all except $400 or $500?—A. Yes, sir. The thing was in this shape: The payment was to come off soon, and I was compelled to have goods to get trade.

Q. So that the $21,000 includes what you have put in since?—A. Yes, sir; that includes everything. It is something between $21,000 and $22,000; I do not know the exact figures.

Q. Who hauled the lumber down to the agency?—A. Indians.

Q. They had teams?—A. Yes, sir.

Q. And you paid the Indians for hauling it?—A. I did, sir. If you want to know the names I can give them to you. I reckon you have it on paper; Mr. Keenan knows about it.

By Senator BLACKBURN:

Q. You are trading now at the Osage Agency?—A. Yes, sir.

Q. Yours is one of the four stores there?—A. Yes, sir.

Q. What would be the effect upon the Indians who live on that part of the reservation known as the Big Hill section, at about Grey Horse, and those who live out on Hominy Creek, if those two stores were re-

moved and brought into the agency; would it be beneficial to the Indians, and to their convenience and accommodation, or not?—A. Certainly it would not be a benefit to the Indians, but it would be a benefit for us traders there.

Q. It would benefit you and the other three traders at the agency?—A. I think it would; I do not know whether it would or not. I have not been there but four months, and I do not know, of course, as much about it as the rest of the gentlemen, but I take it for granted it would benefit us considerably. But certainly it would not benefit the Indians, for they would have to go 25, 35, and some 40 miles to get there.

Q. Has there been an ordinance or law passed by the Territorial council requiring all the stores to be kept at the agency?

Senator CULLOM. Right here let me put into the record what I find in the laws on this subject. I find this publication, dated 1883, entitled "Laws of the Osage Nation, passed at Pawhuska, Osage Nation, in the years 1883, 1884, and 1885." Among the laws passed I find this one:

Be it enacted by the National Council:

That from and after the passage of this act United States licensed traders that may now be trading within the limits of the Osage Nation, or any person or persons who may hereafter desire to procure license to trade in the Osage Nation, shall first make known their intentions to the National Council and procure their consent for such privilege, and pay into the Osage treasury a tax of $200 for the use of timber and grass that may be required in their regular business and trade.

Be it further enacted:

That no person shall receive the consent of the National Council to trade in any part or place in the Osage Nation except in the town of Pawhuska.

Be it further enacted:

That if any United States licensed trader, or any other person desiring to trade in the Osage Nation, shall refuse to comply with the provisions of this act, the National Council shall take such steps as will prevent such person from procuring a license or the revocation of their license should they procure them.

Approved December 9, 1884.

BLACK DOG,
Principal Chief.

E. M. MATHES,
National Secretary.

By Senator CULLOM:

Q. The place spoken of as Pawhuska is where the agency is located?—A. Yes, sir; that is the Osage Agency.

Senator BLACKBURN. What is the date of that?

Senator CULLOM. December 9, 1884.

Senator BLACKBURN. It is approved by whom?

Senator CULLOM. It is approved by Black Dog, the principal chief, and attested by the secretary.

Senator BLACKBURN. Who got that ordinance passed?

The WITNESS. I do not know who got it passed, but I will make this statement about it. Some time ago, when Inspector Bannister and Colenel White were there, they summoned all the traders to go up in the council-room to meet the council and they made many speeches and referred to this law.

Senator CULLOM. You say they referred to this law which I have read?

The WITNESS. Yes, sir; to that law. They said that they had a law but it was never enforced, and Inspector Bannister told them that the law did not amount to anything; that it was not a law because it was not recognized by the Department.

By Senator BLACKBURN:

Q. Has this law ever been approved by the Department?—A. No, sir; it never has; Inspector Bannister said so at least in my presence,

and I think Major White was present; that the law had never been approved.

Q. Who was trying to have the law enforced?

The WITNESS. Do you mean this law?

Senator BLACKBURN. Yes.

A. I do not know, but it seems to me—I do not know whether it was exactly at that time or not, but it was just merely from what I have heard.

Q. Tell us what it is.—A. I heard that Mr. Wismeyer and Mr. Hartley and some other traders asked the council, or rather got the council, to put through something of that kind. I did not understand it exactly and I don't remember the particulars, but it was something to that effect; perhaps they can explain it themselves.

Q. You think the object was to get the council to have the outside stores all moved into the agency?—A. Yes, sir; and it seems to me that the governor signed it, and then wanted to take it back and dip not want to sign it. It was a mixed up sort of affair. I never paid much attention to it, but that is the substance of it.

Q. That is your understanding of the situation down there?—A. Yes, sir.

Q. That Wismeyer, Hartley, and others, who were trading there at the agency, were trying to get the council to enforce this law requiring all the stores to be kept at the agency instead of at Gray Horse and Hominy Creek?—A. Yes, sir; that was just the talk.

Q. Was that the general understanding down there?—A. Yes, sir; that is the way they had done, something that way.

Q. This agent that you had the dispute with about your lumber account was named David?—A. Yes, sir; Agent David.

Q. He was then the agent, was he?—A. Yes, sir; he was the agent then, and at the time when I got the order for this lumber. I do not believe I ever had seen him but once before in my life, and I do not think I ever saw him more than a dozen times afterwards.

Q. Who do you mean, David?—A. Yes, sir; he came there some time during the summer, and it was late in the summer when he sent me the order. He hardly ever goes there; in fact he never had been over to Kaw before until I got the order.

Q. He is the very man who you thought had pigeon-holed your license?—A. Yes, sir.

Q. Now, in respect to Inspector Bannister. What sort of terms were you and he on? Did you understand each other satisfactorily, or were you at "outs"?—A. I have every reason to believe from his actions that he did not like me at all. He did nothing except through prejudice in this matter, and I am prepared to prove it.

By Senator CULLOM:

Q. You are prepared to prove that he did not like you?—A. Yes, sir; from the way that he acted I am prepared to prove it.

By Senator BLACKBURN:

Q. In the conduct of your business as trader at the agency you must have occasion to keep yourself informed as to the manner in which these outside stores are conducted, as to their scale of prices, &c. At the Gray Horse and Hominy Creek stores do they sell the same goods at higher prices than you do?—A. I am not prepared to say whether they sell higher or not.

Q. I want to find out whether it makes it more costly to the Indians to trade at the Gray Horse and Hominy Creek stores, their neighbor-

hood stores, than to trade at the agency.—A. If I take these Indians' statements as truth, they buy at a good deal less out there than we sell at. They always say they can go and trade at home for much less. If I sell them a quarter of beef, they say they pay a dollar or two less for it at home. But you cannot tell from what those Indians say.

Q. You do not believe everything they say?—A. No, sir.

Q. Have you any reason to believe that the stores at Hominy Creek and Gray Horse have a schedule of prices higher than the stores at the agency sell upon?—A. No, sir; I do not think they have any higher prices than we have, for it stands to reason as a business principle that they cannot afford to sell goods higher than we do, because then the Indians would come to us. If they want to keep their trade they have to sell as cheap or cheaper than we do. That is the way I would do. I would sell the goods cheaper, so as to have the trade remain there. But I am not prepared to say how they sell.

Q. You do not hear any complaint down there about higher prices at the outside stores than at the agency stores?—A. No, sir; the only complaint I have heard is that I sell goods higher than they do. They say they can buy goods cheaper there than we can sell them; they have told me that a great many times, and also they tell me they can buy cheaper goods of Hartley & Skinner than they can of me, and I suppose they tell them the same thing about me when they go there.

Q. What sort of a winter season do you have there; much rain or snow?—A. We have a good deal of cold weather and rain, and a little snow.

Q. Is there any difficulty in traveling over that country between the agency and Gray Horse and the agency and Hominy Creek during the winter months, because of snow or high water?—A. I could not tell you. I only have been at Gray Horse twice, and that was in the summer; and I have never been out at Hominy Creek, and I do not know how the road is.

Q. Now as to that interview which you had with the Commissioner of Indian Affairs when you were in Washington. Did the Commissioner tell you that he was willing to give you a license to trade at the Osage Agency, provided you could buy Schiffbauer out on terms satisfactory to Schiffbauer?—A. Yes, sir.

Q. And provided there were no charges or just complaints against you?—A. Well, I do not remember exactly the words, but it seems to me he told me something to that effect.

Q. When charges were preferred against you by Inspector Bannister did the Commissioner tell you of them when you went back there to him?—A. The charges were preferred after that.

Q. I say after that, when the charges were preferred against you by Inspector Bannister, did the Commissioner tell you that you might go back and go on with your trade and conduct your business until he should investigate and determine as to the truth or falsity of those charges?—A. Yes, sir; he did; that is just what he told me.

Q. Now, has there not been a general mix-up and trouble about that Osage Agency since Inspector Bannister was there and made his report?—A. It has been so.

Q. Has there been any license issued to anybody since the investigation was begun?—A. Not that I know of; I never heard of any.

Q. So far as you know, that investigation has not yet been closed?—A. No, sir; it has not; at least I do not think it has. I never have heard of it.

Q. Who is the present agent there?—A. Major White.

Q. He is the present special agent at that agency?—A. Yes, sir.

Q. Do you know whether he has made any report to the Indian Office about it or not?

The WITNESS. In regard to my case?

Senator BLACKBURN. Yes.

A. I asked him this morning and he told me he had. I never knew it before.

Q. Major White is here, is he?—A. Yes, sir; he is.

By the CHAIRMAN:

Q. You say you were appointed from Oxford, Miss. Where were you born?—A. I was born in Europe; I am a citizen of the United States, however; I have my citizen's papers.

Q. In what part of Europe were you born?—A. I was born in the western part of Prussia, on the Baltic.

Q. You do not know whether Wismeyer and Hartley had anything to do with the passage of that law, do you?—A. No, sir; but I say this: I am not prepared to say anything but what I have heard. That was the rumor and it was supposed that they had something to do with it. How it was done I do not know; I am not prepared to say anything about it; all I know is from rumor.

Q. What do you sell beef for; hind quarters for instance?—A. We sell hind quarters at $10, and sometimes for $9, $8, or $6, and I have sold them as low as $4.

By Senator CULLOM:

Q. According to weight?—A. Yes, sir; according to weight.

By the CHAIRMAN:

Q. Do you sell hind quarters as high as $14?—A. Yes, sir; I believe one beef that I bought I sold as high as $14.

Q. Don't you know that is about the average price over at Gray Horse for hind quarters?—A. No; sir; I never heard of it.

Q. You would rather have your store at the agency than at Gray Horse?—A. No, sir; I would rather have it at Gray Horse.

Q. Why?—A. Because I think I could get more trade there.

Q. But not because you think you could get higher prices?—A. I would not want any higher prices.

Senator CULLOM. You have all you want now.

Q. You mean it would not be better for your trade to have higher prices?—A. I mean if I had the Gray Horse store, or any other store, and I found that people were apt to go to the agency to trade, I would sell goods at cost so as to keep the trade there; that is what I mean.

Q. That is what I supposed you meant.—A. I do not mean to rob them.

Q. You have not been there long enough to tell what your trade would amount to a year?—A. No, sir; I have not. I have been there since the 1st of January, you might say.

Q. Averaging it along, what should you think your trade would amount to there a year?—A. Averaging it, I think it will amount to $35,000 or $40,000 a year. I have on my books between $10,000 and $11,000 in the four months' trade. The cash trade amounts to nothing, hardly.

Q. Except when they get annuities; then they come and buy and pay cash, do they not?—A. When the annuity is paid, when the payment is made, the cash trade is much better than at other times, as a good many people come in to settle, and the Indians spend money, but

not to amount to anything. I have been there during the payment and my cash sales amounted to $30 or $40 a day.

Q. You said you paid Branham in cash; how much did you pay him?—A. All I owed him.

Q. Is that all the answer you wish to make to the question?—A. What do you mean? I cannot remember the exact cents. I think I paid him between $2,500 and $2,600; whatever it is.

By Senator CULLOM:

Q. Did you pay him as much as you paid to the other man, including the note you gave?—A. Yes, sir; I paid him just as much as I did the other partner.

By the CHAIRMAN:

Q. You paid him the same amount that you did Schiffbauer?—A. I did; yes, sir.

Q. You said you paid him cash; what do you mean by cash?—A. When I agreed to pay it I settled it up.

Q. Do you mean money or checks?—A. I mean cash. If he owed me money when I made the settlement; I mean I settled that at the time; that he paid cash.

Q. Did he owe you?—A. No, sir; he did not.

Q. What did you pay him in?—A. I paid him in checks and in various ways. I don't know whether I paid him any money at all.

Q. You do not think you paid him any money?—A. I do not think I paid him in currency; it is all money.

Q. You do not think you paid him in currency, either in bills or silver; do you think you paid him in bills or silver?—A. I did not pay him in bills or silver either, but it was equivalent to money; anything that money can be gotten for.

Q. Then if you did not pay him in bills or money you paid him in checks?—A. Yes, sir.

Q. On what bank?—A. Well, there was a gentleman who owed me money, or rather I owed him, and I paid him in that way and he got his money.

Q. What?—A. There is a gentleman who owed me money.

By Senator CULLOM:

Q. You owed him money?—A. No, sir; he owed me money and I gave him an order on him, and I suppose he got his money.

By the CHAIRMAN:

Q. Who is that gentleman?—A. That was a gentleman who lived in Oxford, Miss.

Q. What was his name?—A. His name was Isom.

Q. Was he here then?—A. No, sir.

Q. Has he been here?—A. He was here the other day. It is Dr. Isom.

Q. Is he a relative of yours?—A. No, sir.

Q. Is he a relative of Mr. Branham's?—A. No, he is no relative to Mr. Branham that I know of, except by marriage; may be he is; I think he is.

Q. Is he his brother-in-law?—A. No, sir.

Q. How is he related by marriage?—A. He is his father-in-law.

Q. Is he in business with him; in business with Branham, in a drug store in Oxford, Miss.?—A. I do not know, sir.

Q. Was he a physician?—A. Yes, sir; he is a physician.

Q. And he owed you?—A. We settled it that way. Whether I owed him or he owed me, I paid him his money in that way. May be I owe him yet.

Q. You owe who?—A. Dr. Isom. I gave an order on Dr. Isom; I think the money was paid; I gave my order on Dr. Isom and he was satisfied, and got the money, I suppose.

Q. You gave him an order on his father-in-law?—A. Yes, sir.

Q. Did his father-in-law owe you anything?

The WITNESS. Did he owe me?

The CHAIRMAN. Yes; that is the question I asked.

A. No; I owed him.

Q. And you gave an order on him for the money?—A. I mean I owe him now.

Q. At the time you gave the order——A. He didn't owe me, but I owe him now.

Q. What did you give him an order on his father-in-law for?—A. Because I asked him if he would loan me a certain amount of money, and he said he would if I gave him proper security; if I gave him my note and could satisfy him, he would lend it to me.

Q. Then you gave your note for Branham's share to Dr. Isom, did you?

The WITNESS. How is that?

The CHAIRMAN. Did you give Dr. Isom your note for Branham's share?

A. I gave Branham an order on Dr. Isom.

Q. What did you give Dr. Isom?—A. I gave him my note.

Q. For what amount?—A. Whatever it was—no, I got a little more money from him; I think I gave him my note for $3,000.

Q. How much money did you get?—A. Three thousand dollars.

Q. You did not get it in money?—A. I got part in money and I drew a little draft on him.

Q. But you got $3,000?—A. As near as I can remember it was two thousand six hundred and some odd dollars. I can get the bills and accounts and I can tell you exactly to a cent what it was, but I am not prepared to say exactly to a dollar.

Q. Why did you not give that note to Branham instead of to his father-in-law?—A. I did not know whether Branham wanted to trust me or whether he was able to loan me money. That is the reason. I spoke to Dr. Isom when I was in Oxford, and said that I would like to have money, and he told me "Whenever you need money you can draw on me and I will honor your draft." I have been borrowing money a good deal in Oxford.

Q. Did you have any money when you came to the Kaw Agency?—A. Yes, sir; some.

Q. I mean money of your own?—A. Yes, sir; of my own, and I borrowed some.

Q. How much were you worth when you came to Kaw?—A. I do not know; I had some little money, I do not know exactly how much.

Q. Give us the best idea you can of how much money you had of your own when you came to Kaw?

The WITNESS. In cash?

The CHAIRMAN. In cash or property of any kind?—A. I brought here about $2,900 in money, and then I drew a draft on a gentleman in Oxford, Miss., Samuel C. Lane, for $1,500; and, by the way, he is a Republican; he is the United States clerk.

Q. Is he one of the men that recommended you?—A. No, sir.

Q. He was not the judge who recommended you?—A. No, sir; that is Judge Hill. This Samuel C. Lane is the clerk, but he is a gentleman and a very nice friend of mine, too.

Q. Did Branham get any of the profits that you were going to make in that store?

The WITNESS. Did he get what?

The CHAIRMAN. Does Branham get any of the profits you are going to make in that store?—A. No, sir.

Q. Does Dr. Isom get any of the profits that you are going to make in that store?—A. No, sir.

Q. How much interest do you pay Dr. Isom on that $3,000?—A. I do not remember exactly how the note is drawn. I pay him interest, however; I think 10 or 12 per cent., may be; I do not know; I am not prepared to say.

Q. Do you mean to say that you gave a note last January to Dr. Isom for $3,000 and you do not know how that note is drawn or how much interest there is payable on it?—A. I do not remember whether I gave 10 or 12 per cent.

Q. Well, it is either one or the other, is it?—A. Yes, sir; I will tell you another thing; that note I did not give him only lately. I gave him a note before, and he got a new note now, when it comes to that. I think it is about probably seven or eight weeks since I gave him a new note.

Q. Did you give him a note at the time you bought Branham out?—A. Yes, sir.

By Senator CULLOM:

Q. Don't you know what interest you pay on the last note, the renewal note? Did you take up the old note?—A. Yes, sir.

Q. Do you remember what interest you pay on the last one you gave five or six weeks ago?—A. The same.

Q. What was the same?—A. The same as before.

Q. You do not remember the rate of interest?—A. No, sir; I do not; may be it don't bear any interest at all, for all I know. If it is necessary you can produce the note and show how it was written.

Q. You are not sure you are paying any interest at all?—A. Well, may be not.

Q. Did you pay any interest when you took up the old note?—A. Yes, sir; we made a settlement.

Q. How much did you pay then?—A. Whatever the note called for.

Q. What did it call for?—A. Well, I stated that.

Q. You do not know what it called for, and you do not know whether you paid him $50 or $200 interest?—A. Well, I have been doing business in Oxford a long time, and I have been borrowing and loaning money, and I cannot recall exactly all the settlements.

Q. You never pay any attention to what the rate of interest is?—A. Yes, sir; I do very frequently.

Q. So that you do not remember now whether you are paying any interest, or are paying 10 per cent. or 12 per cent., or what amount of interest you paid on the original note?—A. No, sir.

By the CHAIRMAN:

Q. Now, I want to put this question right to you: Does not the amount of interest which you are to pay Dr. Isom depend on how much money you make in your business?—A. No, sir.

TESTIMONY OF THOMAS L. ROGERS.

THOMAS L. ROGERS, having been duly sworn, was interrogated as follows:

By the CHAIRMAN:

Question. Of what nationality are you?—Answer. I am an Osage. I was born and raised in the Cherokee Nation though.

Q. You hold some office there under their national council?—A. No, sir; not at present; I have been judge of the court there two terms. We have a little organization there and a small code of laws, and have a court, and I was elected judge of the court.

Q. That is where you get the title they give you of Judge Rogers?—A. Yes, sir.

Q. You have been a trader at the Osage Agency?—A. Yes, sir.

Q. How long is it since you traded there?—A. I believe it was in 1883 when I first got a license; 1883 or 1884.

Q. How long did you trade?—A. About a year.

Q. You have not been trading since?—A. No, sir; I have not been trading myself, but I have been working there in the store though. I have been with Mr. Skinner ever since I went out; I closed out to him and have been clerking for him.

Q. Are you familiar with the Osage people, their manners, customs, and wants?—A. Well, yes, sir; I am in most respects.

Q. Do they want stores at Gray Horse and Hominy Creek?—A. Why, they have always protested against them; the council has protested.

Q. Have those protests gone to Washington?—A. Yes, sir; I think the law that the gentleman read a little while ago, that protest, went to Washington last February a year ago. I wrote myself a petition for a portion of the Big Hill Indians, a long petition, and that was at the same time that that law was enacted.

Q. A petition to whom?—A. A petition to the national council, asking the national council to take some steps in passing a law or resolution to have that store which was then established at Gray Horse moved away from there to the agency.

Q. Do you think that law was passed in consequence of the petition?—A. Yes, sir.

Q. The petition was to the Osage council?—A. Yes, sir; it was; and then when we went to Washington a year ago as an Osage delegation, we had that instruction in the petition with this law, and handed them to the Commissioner, and I stated to the Commissioner that the petition was written by myself.

By Senator CULLOM:

Q. How did you come to draw it up?—A. I did it at the request of the Big Hill Indians; there was a man came after me two different times before I would go.

Q. Who came after you, an agent?—A. No, sir; one of the Big Hill Indians.

By the CHAIRMAN:

Q. And the first time you were called upon you did not go?—A. No, sir.

Q. And the second time you went, and at their request you drew the petition which was presented to the council?—A. Yes, sir; and they

signed their names to it, a big lot of them; and I gave it to them, and they handed it to one of their councilors, and it was put into the council, and the law was enacted just as you have read.

By Senator CULLOM:

Q. Do you know whether any influence was brought to bear on the Indians to have that petition gotten up?—A. No, sir; I do not know whether there was any influence brought to bear or not.

Q. Was any trader about when this petition was gotten up?—A. There was nobody about at all except the Indians.

By the CHAIRMAN:

Q. What did you understand from them was their reason for desiring the stores to be removed into the agency?—A. I do not recall at present, but in this petition they gave the reasons, and I think that petition ought to be in the Commissioner's office now; the reasons are set forth there.

Q. Do you remember them? If so, please state.—A. I do not remember them; but they had several reasons.

Q. Are you of the opinion that the stores ought to be at the agency?—A. Yes, sir.

Q. Please give your reason for it.—A. My reason is that in the first place I think it is an injustice to the trade, and I do not think it does the Indian a particle of good. I think it induces him to trade a great deal more than he naturally would. I think with a store there, off to one side that way, the Indians can be induced to come there and camp and locate at those places; they are a great people to stay in bunches anywhere; and they would spend more money than if at home, and when they get out of provisions they would go down and buy supplies and return back home. I think it a detriment to them, and I always have thought so, and I think before there was ever a license granted for an outside store, at the time I was a trader, I spoke to Major Miles about it, as there is a great deal more money to be made outside than there is at the agency, and I asked Major Miles what he thought about my making application to trade on the Arkansas, and he discouraged me, and said he did not think it was a good thing, and I just let it go.

By Senator BLACKBURN:

Q. Who was that you are speaking of?—A. Major Miles, the agent.

By the CHAIRMAN:

Q. You do not require any license to trade, do you?—A. Yes, sir; I do.

By Senator CULLOM:

Q. You are not what is called a full-blood Indian?—A. No, sir; I am a half-breed.

Q. Right there let me ask you, as you probably know about the matter, having lived right among them, is there any instance that you know of where a full-blood Indian has gotten a license to trade, or has ever had one?—A. A full-blood? No, sir; not in this country.

Q. That is not exactly what I want to know. Is there any full-blood Indian who has a tradership, a license to trade, who trades anywhere like these other men?—A. No; not in the Osage Nation.

By the CHAIRMAN:

Q. Or at any of the other agencies?—A. Not that I know of.

Q. Do you know Chief Keokuk at the Sac and Fox Agency?—A. No, sir.

The CHAIRMAN. He has a store, I think, and he is a full-blood Indian.

Assistant Commissioner UPSHAW. There are several in the service; Mrs. Gilpin, at the Standing Rock Agency, is one.

Q. You say that over at Gray Horse the Indians can be induced to come there and stay and camp about the store. In what way?—A. In various ways. If you were a trader you would soon find out.

Q. That is what we want to find out without being traders.—A. Why you can notify the Indians that if they will come down you are going to give them a feast or give them beef, and they will all come there. An Indian is very easily induced to come there if he is to have a feast. The feast is the main thing to induce them to come there; that they are to have big feast. And a trader can do it in such a way that he will not be mistrusted much, either, by the Government officials. I think it is contrary to the regulations, but then it can be done; and a great many other things can be done at an outside store that will go along smoothly, but which are not in compliance strictly with the regulations.

Q. In the nature of things, is a store outside of the agency as much under the supervision of the agent as a store located at the agency?—A. Oh, no, sir. The Gray Horse store, you remember, is 25 miles from the agency and the other one is at least 20 miles from the agency, so that it would take a great deal of the agent's time to go around and look at those stores, where the stores are located away from the agency.

Q. Which is best for the interests of the schools at the agency, to have the stores there or at points outside of it?—A. I do not know that it would have any particular effect upon the schools or make any particular difference with them. We have a compulsory school law and we compel all our children to go to school.

Q. Is not the school at the agency rather running down in some respects?—A. I could not tell you. I have not paid much attention to the school for some time. But since this law has been enacted we have been having a great deal better attendance; it has compelled them to send their children to school more than they formerly did. Formerly they would not send them at all hardly.

Q. Did you make an application for permission to trade at Gray Horse yourself?—A. Yes, sir.

Q. Please state when and under what circumstances.—A. Last February, a year ago, when we were in Washington, after this protest was made to the Commissioner against the Gray Horse store, and he did not do anything or take any steps towards doing anything, after I came home, along in the summer (I think it was in July, about the 20th of July of last year), I made an application to Commissioner Atkins for permission to trade at Gray Horse, filed a bond, and had Agent David indorse my application and addressed the application to Commissioner Atkins, and I mailed it myself.

Q. What was the fate of that application?—A. I did not hear anything from it at the time, and have not yet. About a month, though, after that, I concluded I would write to him, that it might lead to something, that may be he had business and could not attend to it right then. So I wrote to him that I had made application for a license, and inasmuch as he knew that I had protested against the store at Gray Horse, yet if there had to be one there I felt that there ought to be competition; that I was an Indian by blood and I felt I ought to be granted the privilege of putting up a store and selling goods.

Q. Have you received any answer to that letter?—A. No, sir; I have not received any answer to that either.

Q. Did you see the Commissioner after that?—A. The Commissioner was here last fall, in September or October, and I spoke to him about it, and he told me that he did not know anything about it; that he did not know I had made any application; that he never saw it. He said, "Is your application there?" I told him it undoubtedly ought to be, that I had sent it there.

Q. Did you tell him that you had sent a bond with your application?—A. Yes, sir; I told him that I had filed a bond, and I stated in the letter that I had done everything that the Department required of me; if there was anything else I was ignorant of it, and if he thought it was not right for me to have the license to please send my papers back. That was a request I made in that letter. I told him about it when he came down here, and told him what I had written to him and he said to me, "Judge, I will promise you that as soon as I go home I will look that thing up and I will do what is right about it." I thanked him kindly and told him that was all I asked from him.

Q. Have you heard anything from him about it since?—A. No, sir; I have not heard a word from him about the matter since.

Q. What did you conclude about it; that he did not find any papers there or that he has done what he thinks is right?—A. I think may be he found them, he probably did, and thought it was not right to say anything more about it, and I have not said anything more about it.

Q. But whatever the reason is, that is the fate of your application to be licensed at Gray Horse, where Mr. Branham is trading?—A. Yes, sir; that is right where I wanted to go, right up close to him.

By Senator CULLOM:

Q. It is pretty difficult for anybody to get close to him, is it not?—A. I do not know how as he is situated. I never have been there, but I wanted to get as close to him as I could. If he had feasted the Indians on one side of the creek I would have feasted them on the other, and the Indians would have had a good time sure enough.

By the CHAIRMAN:

Q. What did you go to Washington for?—A. We were sent there by the tribe; by the council.

Q. For what purpose?—A. For the purpose of looking after their interests.

Q. Were there other things in view besides trying to have these outside stores brought in?—A. Yes, sir. Another thing was to protest against the allotment of our lands in severalty and to look after any business pertaining to the interests of the Osage people.

Q. Who composed the delegation which was sent there?—A. Black Dog, the principal chief, went along, and myself and Ed. Mathes, the secretary of the council, Paul Aiken, the interpreter, and Strike Axe, who was a full blood, also Ne-kah-ko-lah, a full-blood, Non-osa-si-kah, another full-blood, and Peter C. Bighead, who is a full-blood, but spoke good English; he has some education.

Q. Were they representative men in the nation?—A. Yes, sir.

Q. Were you unanimous in representing to Commissioner Atkins that it was not for the interests of the Indians to have stores outside of the agency?—A. Yes, sir; we were.

Q. When was it that you went there?—A. That was last February, a year ago, when we went up there.

Q. Was it before or after Mr. Branham was licensed to trade at Gray Horse?—A. That was before.

Q. Was it before there was any store there?—A. No, sir; Mr. Finney was there then; it was Finney & Schiffbauer then, I think.

Q. They were there then?—A. Yes, sir.

Q. There was no store at Hominy Creek?—A. No, sir; there was no store at Hominy Creek until right lately.

Q. Do you know under what influence the store at Hominy Creek was established?—A. No, sir; I do not.

Q. Did you ever understand from the Commissioner at any time that he was going to move in the stores at Gray Horse?—A. No, sir; he did not intimate to us at all that he was going to move them in—not when he talked to me on the subject.

Q. Did he give any reasons for keeping them there?—A. Not in particular, I do not think; if he did I do not recollect. We had considerable argument about it.

Q. He just heard you, but did not say much?—A. No, sir; he did not.

By Senator BLACKBURN:

Q. Who was Commissoner of Indian Affairs then?—A. General Atkins.

By the CHAIRMAN:

Q. This law, which has been referred to, appears to have been passed in 1884. You did not go to Washington immediately on the passage of that law?—A. No, sir; but that was in our instructions from the council, the request of that law to have the stores all moved in.

Q. It was some time after the law was passed by the council?—A. Yes, sir.

By Senator CULLOM:

Q. Are you sure General Atkins was the man you saw?—A. Yes, sir; I am sure he was the man.

By Senator BLACKBURN:

Q. When did you go there with that application?—A. Last February was a year ago; I do not recollect the date.

Q. It was February, 1886?—A. Yes, sir; it was.

By the CHAIRMAN:

Q. Mr. Branham had the license in February, 1886, did he not?—A. Yes, sir. I don't recollect positively whether Mr. Branham was out there; no, I do not think he was. Mr. Branham was here then. It might have been Branham & Schiffbauer; Schiffbauer at Gray Horse and Branham at the agency.

Q. He had two stores, one at the agency and one in connection with Mr. Schiffbauer at Gray Horse for awhile?—A. Yes, sir. The first store that was established was by Finney & Schiffbauer. The first fight was made on that store of Finney & Schiffbauer's; that is where the Indians first protested.

Q. Do you know whether goods cost any more at the outside stores than they do at the agency?—A. I do not know how that is. I never have bought 5 cents' worth there and could not say—yes, I have bought a few little things at Hale & Phillips's—but I have never been to Mr. Branham's store at Gray Horse, and never have staid around the store at Phillips's place to see how they sold goods.

Q. Do you know what the Indians think about it?—A. No, sir.

Q. Mr. Brenner saps that the Indians tell him they can buy cheaper goods out there than at the agency.—A. That is natural with the Indian. If he is doing his trading with me, and he goes off to an-

other store to trade, and they try to sell him anything, he will want to "Jew" them a little; he will say he can buy goods a great deal cheaper at his store where he buys things. You can't tell much about it, therefore, from that. But the general supposition is that where there is no competition a man will have his own prices for most of his things.

Q. You have told us about one protest that was made at Washington. Was there any subsequent protest made?—A. Yes, sir; the protest that Mr. Brenner spoke about, that Wismeyer and Hartley got up. There was a resolution passed last fall, about the time the store was going to be established on Hominy Creek. The council passed a resolution then, and Wismeyer and Hartley were accused by some parties (I did understand that the agent had accused those parties) with drawing up that resolution for them to act upon. I do not know how true it is, for I was not around the council any at all. But the resolution passed and was forwarded to the Commissioner.

Q. Did it pass without dissent, do you remember?—A. Yes, sir; I think so.

Q. Was there objection to it in the council?—A. What I mean by passing is it passed by a majority, and it became a law then. As soon as anything is passed by a majority of the votes and approved by the chief it is the law.

By Senator CULLOM:

Q. You do not know whether there was very much opposition to it or not?—A. No, sir; I do not.

By the CHAIRMAN:

Q. More than a majority of the Indians live outside of the limits of the agency, do they not?—A. Oh, yes, sir.

Q. I will ask you what proportion of the Indians are located over in the neighborhood of Gray Horse, the Big Hill Indians?—A. I am not able to tell you, but the biggest portion of the Indians are out there.

Q. And how many at Hominy Creek?—A. The Hominy bands. There are three or four different bands there in that section of the country.

Q. So that a majority of the Indians live outside of the extreme agency limits?—A. Yes, sir.

Q. And they would not be likely to be influenced by the agency traders if they thought the stores there were good things?—A. No, sir. I have studied the thing over a good deal myself and I do not think it is a good thing—that is, I think if one man is permitted to be there another ought to be.

Q. You mean if there were two stores there it would not be so bad?—A. Yes, sir; or three or four stores; let as many go there as want to, as long as the men are the right kind of men. If a man gives a good bond and has a good reputation, give him a license.

Q. Your idea is that to put one store at Hominy and one at Gray Horse gives them a monopoly of the trade of the Indians about there?—A. Yes, sir; that has always been my view of it. I have always told my opinion about it. Mr. Hale spoke to me about it. He thought I was fighting against him and asked me why I was doing it, and I told him I had never said a word about it, but I told him if he wanted to know my opinion I did not think it was right for him to have a license there alone, but I never said one word against him in the council.

Q. What do you understand the reason to be why you cannot get that Gray Horse store moved in?—A. I could not say.

Q. What is the understanding at the agency about it among the traders there?—A. Why, it seems that the general belief about it is

that Mr. Branham is a particular friend of the Commissioner of Indian Affairs, or is related to him in some way or another, and that he favors him; that is the general belief.

By Senator CULLOM:

Q. Do you mean the Commissioner of Indian Affairs or the Secretary of the Interior?—A. Why, the Department; I do not know which. He is closely connected with the Department, Branham is, and his influence with the Department is what holds him there.

By the CHAIRMAN:

Q. And he gets favors there that other people could not obtain?—A. Yes, sir.

Q. Is that the general sentiment down at the agency?—A. Yes, sir; that is the sentiment so far as I know.

By Senator BLACKBURN:

Q. Who makes up the general sentiment at the agency?—A. The general sentiment is the opinion of people who are interested and who talk about it.

Q. Who is there there except the traders and their employés?—A. There are Indians who live around there; there are several half-breeds who live there.

Q. When you speak of the "general sentiment," tell me who it is that constitutes the sentiment which you are talking of?—A. The general sentiment is the opinion of the people right around there, in the surrounding country and neighborhood.

Q. Who are they?—A. The traders and citizens.

Q. How many citizens live there who are not traders or employés of traders?—A. I will have to sort of count them up. There are a good many, though.

Q. By a "good many" do you mean a thousand, a hundred, or ten?—A. Oh, no, sir. We will say twenty-five in all, around there, living right around the agency.

Q. How many are there when you count the traders and all the employés they have?—A. There are but four traders there.

Q. I said employés; do they have any employés?—A. Yes, sir.

Q. Are you not one of them?—A. No, sir; not now.

Q. But you have been?—A. Yes, sir.

Q. When did you cease to be an Indian trader?—A. About two years ago.

Q. At that agency?—Yes, sir.

Q. Who were you in partnership with?—A. When I first opened up it was with Mr. William Rogers.

Q. Who is he?—A. He is a cousin of mine.

Q. Who were you in partnership with after that?—A. With Mr. Skinner. Mr. Skinner first bought Mr. William Rogers out and afterwards he bought me out, about the time my license expired. They would not renew the license and I sold out to him.

Q. Two years ago?—A. Yes, sir.

Q. What have you been doing since?—A. Working for him in the store.

Q. Are you working there now?—A. No, sir; I quit last November.

Q. What are you doing now?—A. I am attending to my stock, and I ran a saw-mill for a month or two.

Q. You were an employé of a trader up to last November?—A. Yes, sir.

Q. Now, about this license that you applied for. Was it for a store at Hominy Creek or Gray Horse?—A. At Gray Horse.

Q. Why were you so specially anxious to get up close to Branham?—A. So that I could sell goods; so that he would have competition.

Q. You had no special reason for wanting to get closer to him than to anybody else, had you?—A. Yes, sir; that is where the most of the Indians were and the biggest trade was.

Q. Suppose the Commissioner had sent you a license, did you have capital enough to go into business there?—A. I thought so.

Q. You would not have needed the assistance of a partner with money?—A. I do not know but what I might; I think I could get it.

Q. How much capital have you now?—A. I have not very much; I have some property.

Q. What sort of property?—A. Various kinds, such as cattle, horses, and hogs.

Q. How much capital do you think you were able at that time to raise of your own to put into a trading store?—A. I thought if I wanted to I could get as much as $10,000.

Q. I am not asking how much you could get from other people, but how much capital of your own could you have put into a trading store had the Department seen fit to license you as trader at Gray Horse?—A. I could have put in four or five thousand dollars.

Q. You had that much of your own?—A. Yes, sir; at that time.

Q. Now in regard to these resolutions which are passed by this national Indian council down there, what force or obligation have they, if any, until approved by the Department of the Interior?—A. They have no force until they are approved.

Q. They are not laws for the government of anybody under the law until approved by the Interior Department?—A. They are only laws passed by us asking the Commissioner of Indian Affairs to do or not to do certain things.

Q. Then the only force they have is in the nature of a request until the Department of the Interior shall approve them?—A. Yes, sir.

Q. Has that resolution requiring stores on the Osage Reservation to be kept at the agency ever been approved by the Department?—A. No, sir.

Q. Then it is not a law, and has no force or effect?—A. No, sir.

Q. You are a member of that tribe, are you not?—A. Yes, sir.

Q. Do you not think, as far as practicable, the conclusions reached by your national council ought to be observed by the tribe?—A. I do not understand you.

Q. Don't you think the members of that tribe ought to observe and obey the wishes of the tribe as expressed in those resolutions when they shall have passed them?—A. Yes, sir; that is the law; that is what they are made for.

Q. As far as the tribe is able to do it that is the law they have made, although it does not bind others until the Department shall approve it?—A. Yes, sir.

Q. Have you ever been in controversy with your tribe because of your refusal to submit to rules and regulations which they passed?—A. I have been in a controversy with them about a saw-mill.

Q. That is exactly what I was trying to get at. Did you not, right in the face of the action of your national council, go down and establish a saw-mill on Hominy Creek against their protest?—A. Yes, sir; but then I did it with the authority, partially, of the Commissioner of Indian Affairs and instructions from the agent.

Q. Did not Mr. Branham do the same thing that you did, except that he was there with a trading store and you were working on a saw-mill, when both of you went against the resolutions of the national council, under the authority of the Commissioner of Indian Affairs? You had the authority of the Commissioner to put up that saw-mill, did you not?—A. Yes, sir.

Q. But the council had protested against it?—A. The council never protested against it. The council protested against it after I had commenced work, and they passed a resolution saying that they forbid my running the mill; that is the resolution.

Q. Did the Commissioner of Indian Affairs ever approve of your establishing that mill down there on Hominy Creek?—A. No, sir. He wrote a letter back to the council saying that he saw no objection to my running this mill if I ran it at my own expense, providing I complied with the laws of the Osage council.

Q. But you went on right in the face of the laws of the Osage council?—A. The agent is the man who induced me to go ahead with it, and with the authority of the Commissioner I thought that was enough. I showed them the letter that the Commissioner wrote about that, and I said if it was a mistake I did not intend to ignore the council; that I intended, as soon as the council convened, to notify them of my intentions and get their consent, which I thought they would gladly give; and I told them how I wanted to run the mill, and made a proposition, and it was through prejudice and spite work of three men in the council, the principal talkers, that I was kept out of it.

Q. So, that sometimes they do get things through that council that do not represent the wishes of the Indians?—A. Well; that was one thing.

Q. I want to get at a little more of that same thing. Now let me ask you about this letter that the Commissioner of Indian affairs wrote; who did he write it to, you or the council?—A. He wrote it to the agent.

Q. How came he to write it?—A. The agent wrote to him asking for authority.

Q. Did the Commissioner give the authority?—A. He gave it just as I told you; that he did not see why there should be any objections.

Q. Was it not an advisory letter to the council?—A. I think not.

Q. Did he say any more in that letter than this: That provided you obeyed the resolutions of the council, and conducted that business at your own expense, he saw no reason why they should not allow you to go on with it?—A. It was about to that effect. He said in this way: "I do not see any objection to Judge Rogers running this saw-mill provided he does it at his own expense, with the consent of the national council."

Q. Have you ever gotten the consent of the national council?—A. I have, finally.

Q. They have agreed to it, now?—A. Yes, sir; the council agreed to it, but the chief did not approve of it.

Q. Then you have not gotten the consent of the national council, because the chief is a part of it, and has to approve its action?—A. Yes, sir.

Q. So that you have never gotten the consent of the national council?—A. No, sir.

Q. When did you stop running that mill?—A. I think it was the 1st of March last that I stopped.

Q. Did you ever hear it intimated that there was some crookedness connected with that business of yours down there?—A. Yes, sir.

Q. Was there not an investigation ordered by the council—A. No, sir; not that I know of.

Q. Or by the agent?—A. Not that I know of.

Q. Are you under investigation concerning it now?—A. No, sir; when Inspector Bannister came out there, he said, "Judge, I am going to investigate that mill business very thoroughly." I told him I was very glad of it; that it was just what I wanted him to do.

Q. Have you heard the result of his investigation?—A. He never investigated it that I know of; he talked to me a little about it, asked me how much lumber I had sold, convened the council, and he made some talk and showed the advantages of the mill, and said he had been sent here specially to settle that mill business. He said, "It is in your hands; I want you to do it; I want to leave it to you to fix up." He says, "If you don't want Rogers in it, count him out, and let us fix it up for somebody; you have the mill and timber, and your people know whether you can get lumber cheaper, and we want it fixed." Then he went off, and they gathered the council together, and never said anything to me about it; they didn't pay any attention to me. Before he left he had a talk with me about it, and I told him I had written to the Commissioner of Indian Affairs in regard to it, had appealed to the Commissioner, and had laid the facts down to him as straight as I could, and there were Government officials right there to establish the whole proceeding, and knew that I had written to him; and Colonel Robinson indorsed my letter to him, and I told Inspector Bannister it was, I thought, his duty to settle it. He said that he was convinced that the man who made the talk against me did so from jealousy, and that was the cause of the trouble. I told him if he thought so that it was his duty, as a Government official, to settle it.

Q. What was the nature of the charges which you say you had brought against you in connection with this mill down there?—A. There was no charge brought against me that I know of.

Q. You said you heard there was a charge of crookedness about the transaction.—A. Inspector Bannister said that Agent David was accused of being a partner of mine.

Q. Was he a partner of yours?—A. No, sir.

Q. Did he have any interest in that thing?—A. If he did, I did not know anything about it.

Q. You did not have any partner in it?—A. No, sir.

Q. He could not have had an interest in it without your knowing it?—A. He had no interest in it whatever; no part of an interest, and never wanted any interest, I suppose; at least he never intimated to me that he did. It was a small thing to have an interest in for an agent.

Q. It did not pay enough?—A. I would have been ashamed to ask the agent about it.

Q. Agent David was removed shortly after that, was he not?—A. Yes, sir; Agent David was removed. I do not suppose that charge amounted to much against him, but I understand there were a great many charges made against him.

TESTIMONY OF GEORGE S. HARTLEY.

GEORGE S. HARTLEY, having been duly sworn, was interrogated as follows:

By the CHAIRMAN:

Question. You are a trader at the Osage Agency?—Answer. Yes, sir; I am.

Q. Are you in business by yourself, or have you a partner?—A. I am a member of the firm of Bartles, Hartley & Raub.

Q. Do you remember the fact of a Colonel Ellison coming there to the agency?—A. No, sir; that gentleman was there before I came there.

Q. Who did you succeed as trader?—A. Mr. Pratt, of the firm of Bartles & Pratt.

Q. Did Mr. Raub come in at the same time that you did?—A. Yes, sir.

Q. You were both from Indiana?—A. Yes, sir; we were.

Q. Mr. Raub, I understand, was a relative of Senator Voorhees?—A. Yes, sir; he is a brother-in-law of Senator Voorhees; they married sisters.

Q. What do you think about this Gray Horse store?

The WITNESS. In what respect?

The CHAIRMAN. Do you think there ought to be a store out there?—A. No, sir; I do not think there ought to be a store there, unless there is more than one store.

Q. What are your reasons for thinking there ought not to be one there?—A. I expect Senator Blackburn will think I am prejudiced, but I will admit, being a trader there, it is, I think, injurious to the interests of the traders at the agency, and likewise injurious to the Indians, those who live near there.

Q. It is manifestly injurious to the traders?—A. It undoubtedly is.

Q. Why do you think it is injurious to the Indians?—A. The Indians are a very peculiar class of people, and if a store is near them they will trade to more than the amount they will draw in the annuity. In that way they will be kept continually in debt. Before the stores were established there, as I learned from parties who were there at that time, the Indians in the Big Hill country were in far better condition and not so much in debt as they now are and have been since the stores were established.

Q. Does the having a store there keep them away from the agency?—A. Yes, sir; very materially.

Q. Can the agent, whoever he may be, have as careful supervision of the trader at Gray Horse and Hominy Creek as he can have and does have of those established at the agency?—A. It does not stand to reason that he could. He would have to travel 50 miles to make the trip, while at the agency by taking fifty steps he can go into every store in town.

Q. It is a part of the duty of the agent to have supervision of the traders?—A. I so understand it.

Q. You understand that he would report you for any violation of the rules and regulations?—A. We are very careful to try and adhere to the rules and regulations, for fear of being reported.

Q. The rules and regulations might be much more easily violated without his knowledge at the outside stores than at the agency, might they not?—A. That would be the natural inference.

Q. Have you done anything yourself to try to bring any influence to bear to have the Gray Horse and Hominy stores discontinued?—A. I have not officially. I have had something to say about it, just as other traders and citizens have, but I have made no move on the Department or otherwise with reference to it.

Q Do you think there is anybody at the agency, except Mr. Branham, who thinks it is a good thing to have a store out there?—A. I do not know of any one who thinks favorably of it, with that exception.

Q. Did you ever have any conversation with Mr. Branham about this arrangement with Mr. Schiffbauer?—A. Yes, sir; I had a conversation

with him regarding that subject, but it was rather a private conversation.

Q. How private?—A. We were talking on business matters and the subject came up in regard to his arrangement with him.

Q. You were not placed by him under any obligation not to tell about it?—A. No, sir; it was no secret what he communicated that I know of. We were having a rather confidential talk, as business men frequently have, but I was under no oath or obligation to keep it private.

Q. What did he say his arrangement was?

The WITNESS. Senator, I do not want to make any personal attack on any one at all.

Senator BLACKBURN. There is no attack made on any one by your telling.

The CHAIRMAN. We have no feeling about this matter; I am quite sure I have no prejudice about it; we are here to find out what we can, without hurting or prejudicing anybody.

The WITNESS. Some months ago Mr. Branham and I had a conversation one evening, and during that conversation I suggested to him that I had heard it rumored that he was receiving something from the firm of Branham & Schiffbauer beyond what Mr. Schiffbauer was receiving. He said it was true; that there was no secret about it; that the firm of Branham & Schiffbauer paid him $2,000 a year.

Q. Did he say for what?—A. Yes, sir.

Q. For what purpose?—A. He said his law practice in Mississippi was worth about $2,000 a year to him, and before the arrangement with these gentlemen he told them that he could not afford to leave his practice in Mississippi to come here unless he was compensated for it, and that in their negotiations that was agreed upon, that the firm should pay to him this $2,000.

Q. Because he left his business in Mississippi?—A. Yes, sir; that is correct.

Q. Did you learn from that conversation whether he had any other business except that of a lawyer?—A. I did not.

Q. I have heard it stated that he had a drug-store.—A. I know nothing of that, sir.

Q. Nothing of that kind was brought out in the conversation?—A. No, sir; that did not come out.

By Senator BLACKBURN:

Q. Was the amount stated $2,000 a year or $2,000 as a whole?—A. I understood it to be $2,000 annually.

Q. Each year?—A. Yes, sir; that is my understanding, and I do not think I was mistaken; I am pretty sure of it from the fact that he said he made $2,000 a year in his law practice, and that was the compensation required for leaving his law practice.

Q. Who constituted that firm—anybody besides Schiffbauer and Branham?—A. Not to my knowledge. I think that was all, and that was the style of the firm.

Q. Your understanding was, from what Branham said to you, that he was to receive from the profits of the business firm the sum of $2,000 a year, which would be $1,000 from Schiffbauer's account and $1,000 from his own portion of the account, each year, whilst that partnership lasted in that trading business?—A. That is correct.

Q. As an offset, as he claimed, for his giving up his law practice in Mississippi?—A. Yes, sir.

Q. Now, in regard to this store at Gray Horse, you say you think it is to the detriment of the traders at the agency to have a store there?—A. I do.

Q. That we are all agreed upon. Now, is your conviction that it is not best to have a store at Gray Horse so firmly fixed in your mind that you would not take a license and establish a store at Gray Horse yourself? A. I would undoubtedly do so.

Q. Although you think it is wrong?—A. I think at present it would be a benefit to the Indians on account of the competition.

Q. Supposing there was no store at Gray Horse?—A. I would not probably consider the Indian's interest.

Q. You would take it any how?—A. I think I would; it is the most natural thing in the world.

Q. You know it would hurt the traders at the agency for you to do it?—A. Yes, sir.

Q. And you think it would be to the detriment of the Indians?—A. I do not think it would do them any good at all.

Q. But if you could get a license to run a store at Gray Horse to be run by yourself you would not hesitate to take it, would you?—A. No, sir; I would make application this very hour.

Q. I believe you. Is not this about the truth, that the whole of the opposition you have to any store at Gray Horse comes from and originates out of the fact that you are a trader at the agency?—A. That is a very serious objection.

Q. Is not that all?—A. No, sir; I am sincere in the statement that I think it would be better for the Indians if there was no store there.

Q. You said the Indians were a peculiar people and illustrated it by saying that where they had facilities for trade right by them they would trade more than if they had to travel 25 miles to do their trading. Is there anything peculiar in that?—A. Yes, sir.

Q. Would not you and I do that also?—A. No, sir; I think we would exercise better judgment than they are capable of exercising; we would not get in debt without looking ahead.

Q. Are they the only people who get in debt because of the facilities offered to them?—A. No, sir; but they are more prone to do it than any people I ever saw.

Q. Have you been in the Gray Horse or Hominy Creek stores?—A. I have been in that direction several times, but never in either of the stores.

Q. Do you know what the condition of the country is for traveling between those two points and the agency in the winter months of the year, as to the crossing of streams that intervene and the snows that fall there?—A. I am acquainted with it.

Q. Is there ever any interruption of travel on that account?—A. I know of no stream that ever gets beyond crossing in going to either place, and the road is about as good leading to each of those places as there is in the Territory anywhere, and I believe the road from the Hominy Creek store is better than most of the roads in the Territory.

Q. It is about the same distance, we are told, from the Kaw Agency to this city that it is from the Osage Agency, where you are, either to Hominy Creek or Gray Horse. Now, do you think it would be better for the Indians to abolish that third store at Kaw altogether and let them come down here and get their goods?—A. I am not acquainted with the circumstances of the case.

Q. Would not the same argument you apply in the one case apply in the other?—A. It would seem so ordinarily, but I cannot speak with reference to that.

Q. If it would be better to have these Big Hill and Hominy Creek Indians trade at a distance of 25 or 30 miles from where they live over at your place, would not the same argument convince you that it would be better to move that agency and its stores about 100 miles further from them, so that then they would not go there so often and get into debt?—A. They might perish on the road then. No, sir; that does not follow, I do not think. That argument would not prevail.

Q. You show you are a very sensible man, and I am sure you are trying to be a fair one.—A. I thank you for the compliment.

Q. Is it not true that there is not an atom of fact to support your objection to a store at Gray Horse except that you, as a trader at the agency, would have a chance to get more trade and make more money if that store was abolished?—A. No, sir; that is not true, and for this reason. I will explain the manner of our extending credit: We have had what is called "the card system," that is, we have a card about the size of this envelope [illustrating], on which is printed the names of all the traders in that reservation. An Indian draws $160 per annum as annuity, or $40 a quarter. An Indian, for instance, comes into my store and purchases to nearly or quite the amount of his annuity, if he desires to purchase that much that day. I mark down on the card the number of dollars' worth he has purchased of me. These cards are the property of the traders, and when he has dealt out the amount of his annuity we refuse to extend him further credit, and frequently caution him while purchasing not to go beyond the annuity. This card system is the most successful way we have to keep them from overtrading, and it is impossible to carry on that system successfully when stores are 20 to 25 miles away. The cards were kept at the agency, and it was the duty and agreement of Branham & Schiffbauer to send in a runner once a week to show the amount they had sold. They were frequently overtraded because of the want of knowledge of what we had sold them at the agency.

Q. So that a trader would get hurt by allowing an Indian to get in debt who had already traded out the most of his annuity?—A. Yes, sir; it hurt all of us as well as the Indian who kept going beyond his ability to pay. This card system was submitted to Commissioner Atkins and approved by him.

Q. How did that hurt the Indian any?—A. By keeping him in debt.

Q. How did that hurt him?—A. Is it beneficial for a man to be in debt?

Q. But if he was going to trade out the amount of his annuity anyhow, suppose he went over $100, had he not property to go back upon?—A. No, sir.

Q. Then the trader got crippled at last?—A. Yes, sir; and it hurt the Indian because it kept him in debt.

Q. Do they have any money?—A. Very little.

Q. Don't you get all they have?—A. We endeavor to get it.

Q. Don't you succeed pretty well?—A. We come pretty close to it.

Q. I agree with you that it is better for you to have the Indians in a bunch so that you will not have so much trouble in getting possession of what they have. But did you not make an application to the Commissioner of Indian Affairs for permission to open a trading store at Hominy Creek?—A. Not a direct application. General Atkins and I have a little misunderstanding regarding that, I learn from General Upshaw. When he was down there, I first asked him whether, if I made an application for a store at Gray Horse where Mr. Branham was he would grant me a license. He said he would consider about it. I

asked him the next day the result of his deliberation, and he said that he had not yet decided. Mr. Branham in the mean time came to me and asked me if the Commissioner had made such a statement to me. I said yes, that he had. He grew indignant, and I told him to go to General Atkins and we would discuss the matter in General Atkins's presence. We went accordingly to the place where General Atkins was and began arguing our case, and the general said he was opposed to branch stores. At that time Branham & Schiffbaur had two stores, one at the agency and one at Gray Horse.

Q. But none at Hominy Creek?—A. No, sir. The Commissioner said he was opposed to branch stores and thought it was better for Mr. Branham to take one or the other, whichever he might choose, but the Gray Horse store he thought was better. Then I saw no chance to get a store there, for I had a store at the agency, and after that Mr. Branham said, "I have no objection if you get a license to trade at Hominy Creek, but if you get a license to trade at Gray Horse I will sell out. I will not stay there if you come there." So I asked General Atkins, within a few days, for a license at Hominy Creek, whether he would grant it to me.

Q. What did he say?—A. He said if I was recommended by the agent and he regarded it as a necessity (I presume he wished to investigate the matter) to establish a store there probably he would. But I never asked the agent for an indorsement, and made no further application. I concluded I would not make any.

Q. He told you at the same time that in the event of your obtaining a license for a store at Hominy Creek you would have to give up your store at the agency, did he not?—A. Yes, sir; because he was opposed to branch stores.

Q. And that is what he required Branham to do?—A. Yes, sir.

Q. Did he not require Hale & Phillips to do the same thing?—A. I think so; at least they did surrender their other license.

Q. Who were the people who first got a license to trade at Hominy Creek?—A. Hale & Phillips.

Q. Hale had been an old trader under the former administration at the agency, had he not?—A. Yes, sir.

Q. And when they applied for a license to trade at Hominy Creek to General Atkins he granted it but required them to surrender their agency license?—A. That is correct.

Q. That was recommended by the agent, was it not?—A. I apprehend it was; I learn it was.

Q. Do you know whether the agent since the time you had that interview you speak of with the Commissioner of Indian Affairs down at the agency, has made any report to the Commissioner of Indian Affairs as to the continuance of the Gray Horse and Hominy Creek stores?—A. I do not know of my own knowledge. I have heard such reports, but I am not prepared to say.

Q. Did you ever hear it from the agent?—A. No, sir.

Q. The agent is here, is he not?—A. Yes, sir; he is here.

Senator BLACKBURN. I can find out from him, then.

By Senator CULLOM:

Q. You have been trading down there how long?—A. I began there on the 18th of December, 1885. My license was issued in November.

Q. You are a member of a firm composed of three men?—A. Yes, sir.

Q And that firm still exists there?—A. Yes, sir.

Q. Did you ever make any application for a tradership at the Big Hills?—A. None, except what I stated awhile ago; that is, I asked General Atkins if it was worth while to make an application.

Q. That was, to continue your store and have a branch store?—A. Yes, sir; at the time Mr. Branham had a branch store.

Q. In this discussion between yourself, the Commissioner of Indian Affairs, and Mr. Branham, you said that Branham remarked that if there was any other store brought there he would sell out and go away?—A. Yes, sir.

Q. How did he happen to make that expression?—A. I presume he did not want to stay there if there was opposition; that was the inference.

Q. Was there any intimation from you that you would like to go down there; that you would like to sell out at the agency and move down there?—A. No, sir; I did not say anything of that kind.

Q. Did he voluntarily make the statement that if any other store was established there he would not remain there any longer?—A. Yes, sir; he did.

Q. Was that simply because he did not want to have any competition in his trade?—A. That was the only reason assigned, and I presume it was the only reason he had.

Q. As I understand from other persons, and witnesses who have been before us, the trade at that place, at his store, is probably equal to the trade of any two stores (or more than that) at the agency. Is that so, as you understand it?—A. I do not think he would sell more goods than two stores at the agency would, but by reason of our expenses it is worth more than any two stores at the agency, in my opinion.

Q. Would you rather have his store or a store without competition at Gray Horse than to have two stores of similar size at the agency?—A. I would. I will go further, and say that I would rather have the Gray Horse store, as the Indians are now located, than to have all the stores at the agency, if I had to run all the stores with the expenses we have to keep up there.

Q. You think you would make more profit in one store at Gray Horse, as things are now located, than you would in four stores at the agency and have to run them in the way they are at present conducted?—A. Yes, sir. I can illustrate that in this way: There are about five hundred full-blood Indians residing near the Gray Horse store. They draw an annuity of $160 each, or about $80,000 a year. That amount of money goes to the Gray Horse Indians, the Indians located near the Gray Horse store. Near the Hominy Creek store are about three hundred full-bloods who receive the same amount of annuities, $160 each, which would make about $48,000. Then there are about three or four hundred full-bloods who are left to trade at the agency, and they buy a portion of their goods along the State line. However, we get some trade from the Big Hills. They do not get all of this trade, but they have by far the larger portion of it.

Q. And they have more Indians at that trading post than you have at either of the others?—A. Yes, sir. There are four stores at the agency, all large stores, and one at Hominy Creek. The half-breed trade comprises about four or five hundred, but that is not desirable.

Q. What is the impression left upon your mind and upon the minds of the people down there, few or many, as to why there has never been any second store of late at the Gray Horse post?

The WITNESS. Do you want to know what the impression is?

Senator CULLOM. Yes. What is the belief of the people there, and when I say "the people" I mean the white people, if you please?—A. It is because the Department does not see fit to grant a license to any other party to go there, that is all.

Q. Why does it not see fit to do so?—A. I do not know their reasons for it. I do not believe that they thoroughly understand it; they have not been on the ground as we have been.

Q. What is the reason assigned down there why they do not do it?—A. I do not know that I can exactly answer that question.

Q. To come right to the point, is it not the belief down there among the white people, traders and all, that Branham sustains a peculiar relation to the Department, so that he can control the question?—A. Oh, that matter is frequently spoken of, and it seems to be the prevailing impression.

Q. What is your own opinion about it?—A. I would rather not give it, Senator.

Senator CULLOM. I do not care to press you for an answer if you do not like to give it.

Assistant Commissioner UPSHAW (addressing the witness). Let me say this in regard to that matter——

Senator CULLOM. No, sir; never mind just now; I will attend to the witness myself. [To the witness.] The Senator [Blackburn] inquires whether the Indians are considered as a part of the people down there who object to these outside post traders; is that true?

The WITNESS. I do not think there are any full-bloods living in town at the Osage Agency, but there are a number of half-breeds. Perhaps one-half or two thirds of the population may be half-breeds.

Q. You say as a matter of fact, in your judgment (and I have no doubt about its being correct), that it is better for the Indians that the trade should be farther away from them than it is at present from the Big Hill Indians; that it is an injury to them to have a store so near to them?—A. Yes, sir; that is, to the Indians themselves. I have heard them frequently say so.

Q. They confess that themselves?—A. Yes, sir.

Q. As a matter of fact, you assigned as one of the reasons for it that they lie about the post tradership and spend more than they get?—A. Yes, sir.

Q. It is your opinion that a man is better off to be out of debt, and to have some idea that he ought to pay whatever he owes, than to be encouraged to go in and buy, whether he can pay for what he buys or not?—A. That is my opinion.

Q. Does it not retard the progress of the civilization of these Indians to encourage them to lie about these post tradership and get in debt beyond their ability to pay?—A. I cannot answer that question from my knowledge of them, for I have not been there long enough to see the workings of it, but that would be the natural inference, even among white people, that to encourage them to get into debt would be detrimental to them.

Q. You have stated, and other witnesses have also said the same thing, that the Indians there believe that the trade ought to be at the agency. Have you exercised any influence over them in any way to bring them to the point of passing resolutions on that subject?—A. No, sir. I would like to speak in reference to that. I have heard one or two witnesses testify that Mr. Wismeyer and Mr. Hartley were the authors of that resolution. We were charged with being the authors of it, but it was a mistake, so far as I was concerned. I think I clearly vindicated myself

in the investigation over Mr. Wismeyer. He acknowledged being the writer of it, or that he got some one to write it. He acknowledged being the author of it.

Q. You never have exercised, or attempted to exercise, any influence over the Indians to get them to pass resolutions, or to oppose the continuance of the tradership there at at the Big Hills?—A. No, sir. I have a half-breed working for me. He is not a member of the council, but—just as I have with the other clerks—we have frequently spoken of the injustice of it, but he has never gone to the council and made any speech or argued with them.

Q. The suggestion was made by Senator Blackburn that if it was better for the Indians to have the store 25 miles away, it would be better for them to have it 100 miles away on the same theory. Of course you do not think it would be right for the Indians to have the stores so far away that they would be likely to starve to death along the road going to them?—A. No, sir; I do not.

Q. Is it not a fact that there is never a time in the year when the Indians from the Big Hills or from Hominy Creek cannot visit the agency if they wish to do so?—A. I never have known a time when they could not come if they desired, except perhaps when there was a "blizzard," or something like that. We have not such severe winters that we cannot travel almost any time.

Q. Regarding this conversation that you had with Mr. Branham, let me ask you this: I think you said his statement was that he could not afford to come there unless he got a bonus of $2,000 from the firm, on the ground that he had a business in Mississippi, where he lived. Was there any other suggestion of a reason for that?—A. No, sir.

Q. Was anything said in regard to the question of whether he had any special influence with the administration or the Department?—A. No, sir; I believe not. Mr. Branham did not regard that as a secret, I think—that $2,000 transaction. My understanding is that he says it is no secret.

Q. He regarded it simply as a business matter, and thought he ought to have $2,000 more because he had some other business to attend to at home?—A. Yes, sir.

Senator BLACKBURN. As Senator Cullom has refused to allow General Upshaw, on behalf of the Indian Office, to urge you to answer a question that was propounded to you, I will now ask you myself in regard to it.

Senator CULLOM. I did not understand that Mr. Upshaw wanted to urge the witness to answer my question.

Senator BLACKBURN. That was what he was trying to do; to get him to answer your question.

The CHAIRMAN. The way I understood it was, Mr. Upshaw wanted the witness to answer a question of his and Senator Cullom objected to his doing so.

Senator BLACKBURN. I am sure you misunderstood him. He did not want to ask the witness a question.

Senator CULLOM. I should not have objected if I had so understood it.

Senator BLACKBURN. All he wanted was to urge the witness to reply to the question.

Senator CULLOM. Before we leave that point I want to say that I thought that Mr. Upshaw desired to take the witness and ask questions himself, and I said to him that I would run the witness on that subject.

Assistant Commissioner UPSHAW. I never have made any such effort as that, sir, since I have been here. You did not give me an opportunity to explain.

Senator CULLOM. I do not know that you have. I have no objection to the witness answering the question that he seemed to hesitate about. I supposed it was a matter about which he had some delicacy in speaking.

Senator BLACKBURN. He has not yet answered the question and I will repeat it for myself and the Indian Office. [To the witness:] I will ask you to answer the question submitted to you by Senator Cullom which you did not answer. It is this: What is your opinion as to the reason why no other license to trade at Gray Horse can be obtained from the Commissioner of Indian Affairs?

The WITNESS. Do you mean while the present store is there?

Senator BLACKBURN. Yes.

The WITNESS. I presume that the Indian Office thinks that one store is sufficient out there.

By Senator BLACKRURN:

Q. Your idea is that the Indian Office is of opinion that there is not trade enough there to warrant more than one store?—A. Yes, sir; I presume they think so.

Q. Is it not a fact that there never were two stores, or more than one store, there except for a short time on a single occasion?—A. I so understand. That was before I came there.

Q. And Mr. Bird, who was the partner in that second store, testifies here that his license to trade at Gray Horse was revoked at his own request?—A. I heard his testimony; I do not know anything about it.

Q. Is that your recollection of his testimony?—A. Yes, sir.

Q. Now, have you told us all that you know about the matters concerning which you have been interrogated?—A. I have.

Q. I mean as to the tradership in this reservation?—A. I have, so far as I can remember.

Q. Have you told us all you know with reference to Mr. Branham, the trader at Gray Horse?—A. I think I have; I do not remember anything else just now.

Q. Because we want to know it all.—A. I had no story to tell; I preferred to answer questions; I thought I was here for that purpose.

Q. Yes; and I have endeavored, and am endeavoring now, to get from you all the information you have on that subject. Do you know what occurred, what change of arrangements, if any, took place between Branham and Schiffbauer as to this $2,000, after they gave up the license to trade at the agency?—A. I have no knowledge of that whatever, except what I learned from the conversation of Mr. Branham, and I have repeated that as near as I could, word for word.

Q. That is, that he was to get $2,000 a year?—A. Yes, sir; as a compensation for leaving his law practice in Mississippi.

Q. He was to receive that as long as that partnership continued?—A. That is my understanding; so much every year, inasmuch as he made that amount annually.

Q. It was an annual arrangement?—A. Yes, sir.

Q. You do not know whether the payment of that $2,000 stopped with the cancellation of their license to trade at the agency or not?—A. I have no knowledge of that whatever.

Q. You do not know whether that $2,000 arrangement is going on to-day or not?—A. No, sir; I do not know a thing about it.

By Senator CULLOM:

Q. Recurring to the previous examination, I asked you why it was that nobody else had been licensed to trade down there except Bran-

ham, and you said (in general terms, I do not remember the language, that you supposed the Commissioner did not want anybody else down there.—A. That perhaps he did not know the amount of trade there.

Q. Then I asked you, in substance, whether or not there was not some special influence that this man Branham had with the Department as a reason why there was not any other trader there. You hesitated, and said you preferred not to answer it.

The WITNESS. Didn't I finally answer it?

Senator CULLOM. No, not directly; and I did not press you to answer it, for the reason that I supposed you hesitated to say anything that might be regarded by Branham as a reflection upon him. So I dropped it. Then I asked you what the impression was down there among the white people, the traders and others?

The WITNESS. I think I answered that.

Senator CULLOM. Yes, you answered that in a general way. So that you have not answered the original question that I asked (at which time I was interrupted by Mr. Upshaw) any more definitely now than you did before.

Senator BLACKBURN. If you will write it out for me now I will ask him to answer it.

Senator CULLOM. I have asked him to answer it myself.

Senator BLACKBURN. In the exercise of my rights I will ask him to answer it myself.

Senator CULLOM. He says now that he has answered all that he knows about it.

Senator BLACKBURN. You say that he has not answered a question of yours.

Senator CULLOM. I say at the time I asked the question he said he preferred not to answer it, and he has answered now substantially in the same way that he answered me before.

Senator BLACKBURN. What was the question that he declined to answer you?

Senator CULLOM. I asked him whether or not in his opinion Mr. Branham had not some special influence with the Department as a reason why no other trader could go down to the Big Hills, and he hesitated to answer the question.

Senator BLACKBURN. Now, I will ask him that question. [To the witness.] I ask you whether or not Mr. Branham, in your opinion, has some special influence with the Department that prevents anyone else from getting a license to trade at the Big Hill or Gray Horse post?

The WITNESS. I might say that I have more influence with the Department than some others. It is certainly no crime if that gentleman possesses some influence with the Department, if he is related to them, or is better acquainted with them. It is my opinion that he has more influence with them than I have, and it is my opinion that I have more influence with them than some others have because of my acquaintance with Senators and others there in Washington. Mr. Branham is related to them, and I would naturally suppose that he has more influence than I have.

By Senator CULLOM:

Q. Is it not your opinion, and the opinion of all the traders there, that he has more influence with the administration or with the Department than all of you, and that he controls the situation?—A. That is rather too broad a question for me to answer.

Q. You can give your opinion about it, your belief and the belief of the public.—A. Yes, sir; I think he can exert more influence than all the others can.

Senator CULLOM. That is what I was trying to get at. That is all.

Senator BLACKBURN. That was what I was trying to help you to get.

By the CHAIRMAN:

Q. Do you know why Mr. Branham got two traderships to start with?—A. I do not know why he got it, nor how he came to get it.

Q. Did you ever have any conversation with him on that subject?—A. No, sir; not to my recollection.

By Senator BLACKBURN:

Q. Was not Schiffbauer already trading as a trader at the Gray Horse post before Branham came into it?—A. Yes, sir; the firm style was Finney & Schiffbauer. Branham was Finney's successor at Gray Horse.

Q. So that he did not get an original license for an original store at Gray Horse, for Finney & Schiffbauer were already trading there?—A. Yes, sir.

Q. And Branham came in as a partner in the place of Finney or Schiffbauer at Gray Horse?—A. Yes, sir.

Q. And then he got a license to trade at the agency?—A. Yes, sir; at the same time; one original license.

Q. And became a partner in a tradership already existing?—A. Yes, sir.

By the CHAIRMAN:

Q. He got two licenses in such a way that he got an absolute, sole license at the agency, and a partnership license at Gray Horse?—A. Yes, sir.

By Senator BLACKBURN:

Q. And Schiffbauer was a partner in both?—A. Yes, sir; I think for a year they ran together as Branham & Schiffbauer.

Q. He did not have any sole license anywhere?—A. No, sir; he did for a while.

By the CHAIRMAN:

Q. Then this was the situation: that the firm of Branham & Schiffbauer got the right to trade at two stores?—A. That is correct.

Q. Nobody else got it, did they?—A. No, sir.

Q. You never heard of such a thing, did you?—A. No, sir; excepting last summer when Bartles & Wismeyer were at Gray Horse for two or three months.

By Senator BLACKBURN:

Q. Wismeyer & Bird had a license for two stores?—A. Yes, sir; I presume so.

Q. They did according to Wismeyer's testimony, and one ran on and one was canceled at their request?—A. Yes, sir.

Q. So that this is not the only case in that reservation where the same parties have had licenses for two stores?—A. No, sir.

By the CHAIRMAN:

Q. Finney & Schiffbauer were ordered in from Gray Horse, were they not?—A. That is my understanding, at just about the time I went to the Indian Territory.

Q. Who is Mr. Sheddan?—A. He is a gentleman who has been there for many years as a bookkeeper for different firms, and was with the firm of R. E. Bird until recently.

Q. Is he a man of capital?—A. I do not know anything about that.

Q. Did anybody at the agency ever suppose that he had any capital?—A. I never heard anything about any of his capital. I do not know anything about it. He is a New York gentleman, and I simply know him as a bookkeeper. I think he has been here for several years; I have heard so.

TESTIMONY OF L. A. WISMEYER (recalled).

L. A. WISMEYER was recalled and further examined.

By the CHAIRMAN:

Question. I recall you because you stated to me that you wished to make an explanation regarding Mr. Brenner's statement that there was a rumor that yourself and Mr. Hartley procured the passage of the law by the national council that there should only be stores at the agency. What do you desire to say on that subject?—Answer. I simply want to correct Mr. Brenner's statement. It was not that law; I was not the author of that law and had nothing to do with it. I think what he referred to was the resolution which was passed a few months ago, of which I was the author. He probably got the two things mixed. I wanted simply to correct his statement; that is all. That is my reason for wanting to explain it. I had nothing to do, and never have had anything to do, with the passage of their laws. But some time last winter, perhaps in January or February or along there, I do not remember just what month it was, I was the author of a resolution, but that was in reference to an entirely different matter.

Q. What was that in reference to?—A. It was in reference to a rumor about a payment being made at Gray Horse, and about the rumor of a new store being started on Hominy Creek. It was simply a protest; that is all. I was the author of that resolution.

Q. How came you to get it up?—A. Well, there was a number of councilors came to me and told me they wanted to pass a resolution of that kind, but they did not know just how to word it, and wanted me to shape it up for them; they were members of the Indian council. I did so. I told them that I did not want to volunteer or take any part in anything of that kind, but I would draft a resolution for them and they could fix it up.

Q. It was at their request that you did it?—A. Yes, sir. My impression is I also told Special Agent Robinson about it at the time. He was there; there had just been a payment made. I think I told him what I did.

Q. Did you make any secret of it?—A. I did not peddle it out. I did not hear anything of it for some time until I heard that Mr. Branham had the resolution and was trying to find out who was the author of it. He was two or three days trying to find that out, and it came to me that he and Hale were conducting an investigation trying to find out who was the author of the thing, and Hale told some one that they thought they knew who it was. They accused different parties of doing it.

Q. Who did they accuse?—A. They accused Mr. Hartley, also myself and Tom Mosier, I believe, a half-breed Indian there, and others.

Mr. Branham read the names to me while I was in his room. I told him he was mistaken about them, that I was the author, and corrected him in the matter, and he said he was very glad that I had told him, as he might do an injustice to other parties and was glad I had straightened the matter out with him. He asked me then why I took part in the matter. I told him I thought it was entirely wrong; that I did not think the payment ought to be made at the Gray Horse store; that it had never been done before, but was something entirely new, and it had the appearance of being done for the benefit of that particular store.

By Senator BLACKBURN:

Q. Which store?—A. Mr. Branham's store. This was the conversation between Branham and myself in his room. I told him that I did it because I did not think it was the right thing to do, and I also thought it was wrong to start another new store outside of the agency, and that was my object in getting it up, or one of my reasons for getting it up. I also told him that the Indians had talked to me about it. He asked me then how I knew there was an effort being made to secure a payment out at Gray Horse. I told him that several Indians had told me so, and he replied that there were only two men on earth who knew that he was making an effort of that kind.

By the CHAIRMAN:

Q. Did he tell you who they were?—A. Yes, sir.

Q. Who did he say they were?—A. He said one of them was Dr. Bird and the other was Mr. Florer, a man who was clerking for him.

By Senator CULLOM:

Q. He was clerking for whom?—A. For Mr. Branham. I want Mr. Branham to come closer so as to hear what I say. [Addressing Mr. Branham.] Do you hear what I say, Mr. Branham?

Mr. BRANHAM. I cannot hear it at all.

The WITNESS. I was detailing a conversation between you and I in your room about that resolution that I was the author of. [Resuming his statement] I told Mr. Branham that neither of these parties had said a word to me about it. Dr. Bird was not there and Mr. Florer had not told me, but that the Indians had told me. Mr. Schiffbauer, his partner, was also in the room; was in bed at the time, as he was not feeling very well, and I believe Mr. Schiffbauer made the remark that if Mr. Florer knew it the whole world would find it out, or something of that kind. And we settled the matter in just about that shape.

By the CHAIRMAN:

Q. Did Branham say anything about its being insubordinate on your part?—A. Mr. Branham asked me if I did not think I was doing wrong; that I was doing a thing opposed to the Commissioner. That the Commissioner had already granted that license. I told him I was not aware of that fact; that my understanding was that it had not been granted, but an application simply had been made; that I did not know that the license had been granted at that time, and did not know it for some time afterwards; and I do not believe that at that time the license had been granted, although I do not remember the date of this occurrence.

Q. Now tell all that he said.—A. He asked me if I did not think I did wrong in the face of the recommendation of the agent, the agent having recommended it and the Department having granted it. I finally said that I could not see it in that light; that I believed I had as good a right to get up a remonstrance against anything of that kind as any

man had to ask for it. That was my explanation to him. [To Mr. Branham.] Is not that correct, Mr. Branham?

Mr. BRANHAM. As good a right as what?

The WITNESS. I replied that I had as good a right to get up a resolution against it as you had to ask for it.

Mr. BRANHAM. I do not remember; that may have been so; I do not remember anything to the contrary at all.

By Senator BLACKBURN:

Q. What became of that resolution of yours; did the council adopt it?—A. Yes, sir; they did; I was told it was adopted.

Q. Why do you draw the distinction between a law and a resolution; what is the difference between them?—A. What I wanted to say was that I was not the author of any of their laws. Mr. Brenner said I was the author of the law in that book.

Q. If that resolution was adopted is it not as much a law as anything in that book? They cannot make any law; nothing they can do is binding, unless the Department approves of it.—A. According to Mr. Brenner's statement it appeared that I was the author of that law. His statement implied that I was the author of that law, and I wanted to say, simply, that I was not the author of it.

Q. Though you were the author of a law since that time?—A. Yes, sir.

Mr. BRENNER. I did not have reference to that law at all. I simply said it was the rumor there that Mr. Wismeyer had got a law passed, but the particulars I did not know anything about.

Senator BLACKBURN. I will get it straight directly.

Q. Now the resolution that you did draw up was passed by that council and is just as much a law as that one in the book or any other one?—A. I presume so.

Q. Certainly. Now, in stating that you were not the author of that law requiring all the stores to be kept at the agency, you said you were simply the author of a resolution on another subject altogether?—A. Yes, sir.

Q. It seems it was on a subject exactly like it. The resolution you drew up was a protest against the establishment of stores except at the agency, as well as a protest against the payment of annuities at Gray Horse?—A. But it was an entirely different thing from those three sections in that book.

Q. What is the difference between a law prohibiting the maintenance of stores except at the agency and a resolution prohibiting the establishment of a store outside of the agency?—A. There was another matter incorporated in it.

Q. But the same matter which was in that law was in your resolution, too, precisely, which was to keep the trade and stores at the agency?—A. Yes, sir.

Q. That was the object of both, was it not?—A. Yes, sir.

Q. As well as the payment of annuities?—A. Yes, sir.

Q. So that you could not well make two things nearer kin unless you made them twin brothers and sisters, could you?—A. I was not the originator of that. The Indians came and asked me to do it.

Q. What were you doing then?—A. I was selling goods.

Q. You were a clerk and employé of a trader at the agency?—A. Yes, sir.

Q. And the store was established?—A. Yes, sir; some time after that; it was not established at that time.

Q. When was it do, you say, January or February?—A. I do not remember just the time. I will say this, that it was prior to the issuance of that license to Hale.

Q. To Hale & Phillips?—A. Yes, sir; at least prior to the time it was known to be issued.

Q. That license was issued to Hale & Phillips?—A. Yes, sir.

Q. And you think you drew up this resolution in the month of January or February?—A. I do not remember; I could not say. It was some time last winter I have not charged my mind with the matter, because I never thought I would have to say just when it was, and I could not say.

Q. You said in your testimony that you thought it was in January or February. I find the license to Hale & Phillips to trade at Hominy Creek was issued on the 29th of December of the year before.—A. I am glad you mentioned that date.

Q. So that it was afterwards instead of before?—A I will fix it now; I am glad you gave me that date. It was before the 29th of December.

Q. Then, you are mistaken about its being in January or February last?—A. Well, I remember it was in the winter, but I cannot fix the date.

Q. Who was agent of the reservation at that time?—A. James I. David.

Q. Did he complain that you were using your influence with the Indians in the very direction of your resolution?—A. I never heard of it until that matter came up.

Q. Did he not write to the Department complaining of your interference with the Indians in this matter?—A. I do not know.

Q. You never heard that?—A. That he was complaining about it?

Q. You never heard that he wrote to the Commissioner of Indian Affairs complaining of your interference with the Indians and your trying to get them to prevent the establishment of stores outside of the agency?—A. No, sir; I have no recollection of anything of that kind.

Q. Did you ever hear that he had written to the Commissioner of Indian Affairs stating that you were interesting yourself to create dissatisfaction amongst the Indians as to his, the agent's, recommendation?—A. No, sir.

Q. You never heard of that?—A. No, sir.

By the CHAIRMAN:

Q. You never did, did you?—A. I do not remember hearing anything of the kind.

By Senator BLACKBURN:

Q. If he wrote that he ought not to have done it, had he?—A. He had the privilege of writing whatever he chose.

By the CHAIRMAN:

Q. But it was not true if he did write it?—A. I have no recollection of causing a disturbance. If the getting up of that resolution created a disturbance I was the cause of it.

By Senator BLACKBURN:

Q. You say you drew that resolution?—A. Yes, sir; I drafted a resolution.

Senator CULLOM. He has explained that a half a dozen times.

By the CHAIRMAN:

Q. There was this difference between the law which has been quoted here and that resolution: That the resolution protested against the

payment of annuities at Gray Horse, and is not this true, that if the annuities were to be paid at Gray Horse it was practically taking everything away from the agency; practically everything would have gone over to the Gray Horse if the annuities had been paid there?—A. Yes, sir; that is so.

By Senator BLACKBURN:

Q. Do you not know that the Commissioner of Indian Affairs refused to order that partial payment of annuities to be made at Gray Horse?—A. Yes, sir; I have heard since that it was a failure.

By the CHAIRMAN:

Q. Mr. Branham, in his conversation with you, did not make any secret of the fact that he had been asking it?—A. He asked me how I found out about it, and said there were only two men who knew it, and I told him I heard it from some of the Indians.

TESTIMONY OF JACOB H. BARTLES (recalled).

JACOB H. BARTLES was recalled and further examined.

By the CHAIRMAN:

Question. I omitted to ask you a question yesterday that I will now put to you. Did you make an affidavit respecting Colonel Ellison's performances at the Osage Agency, and send it on to Washington?—Answer. No, sir.

Q. Were any affidavits gotten up?—A. Yes, sir.

Q. Did you see them?—A. Yes, sir.

Q. Who were they made by?—A. By Dr. Bird.

Q. You did not sign them at all?—A. No, sir; I think not.

Q. Was there more than one affidavit sent on?—A. I do not think so; if there was I do not recollect. It has been some time ago.

The CHAIRMAN. Then I will recall Dr. Bird. I thought you knew something about it.

TESTIMONY OF R. E. BIRD (recalled).

R. E. BIRD was recalled and further examined.

By the CHAIRMAN:

Question. I will ask you in regard to this matter. Did you make an affidavit in regard to what George C. Ellison said and did at the agency?—Answer. Yes, sir.

Q. Was it sent to Washington?—A. I think it was.

Q. What was the purport of that affidavit?—A. It was in reference to General Upshaw. I do not remember the exact words of the affidavit. I think, though, that the affidavit stated that Ellison had said that General Upshaw was a starved-to-death little devil, and that a hundred dollars would look as large to him as a mountain.

Q. You think you put that substantially into an affidavit and sent it to Washington as having been said by Ellison?—A. Yes, sir.

Q. Did he see it?—A. Yes, sir.

Q. Was that all of the affidavit?—A. I think it was; that was the substance of it.

By Senator BLACKBURN:

Q. Was that sent on to Washington?—A. I think so; I do not know that it was for certain.

Q. What did you do with it?—A. I gave it to Mr. Bartles. I made it at the request of Mr. Bartles.

Q. Did Mr. Bartles tell you he wanted to send it to the Department?—A. Yes, sir.

Q. (To Mr. Bartles.) Did you send it to Washington?

Mr. BARTLES. Yes, sir.

Q. (To the witness.) What was the result of it?—A. Ellison's license was revoked by telegram.

By the CHAIRMAN:

Q. While he was at the agency?—A. He was away from the agency at the time it was sent on.

Q. Did the telegram come to the agency or find him somewhere else?—A. The telegram came to the agent notifying him that Ellison's license was revoked.

By Senator BLACKBURN:

Q. Do you know how the license of Ellison read; was it a roving license or a license for the Osage Agency?—A. No, sir; it was in the place of mine and Wismeyer's license to trade at the Osage Agency.

Assistant Commissioner UPSHAW. I will admit anything you want to prove about Ellison and almost make an affidavit about it. I will admit it and swear to it myself.

TESTIMONY OF JOHN L. WOY (recalled).

JOHN L. WOY was recalled and further examined.

By the CHAIRMAN:

Question. Do you know George C. Ellison?—Answer. Yes, sir; I do.

Q. What was your first acquaintance with him?—A. I was introduced to Colonel Ellison in Washington by a personal friend of mine, and we spent an evening together.

Q. When were you introduced to him?—A. At the time I went to Washington to see the Indian Commissioner in regard to the renewal of my license.

Q. Were you introduced to him before or after your first meeting?—A. I was introduced to him the evening after the first meeting. It was late when I arrived in the city, and I proceeded to Mr. King's office and he accompanied me down there, and in the evening I called upon my folks there in the city and met him.

Q. Did he do anything for you, or offer to do anything for you?—A. During the evening, as the weather was very warm, we all sat out very late, and as he was stopping at the same boarding-house where I was stopping we became quite well acquainted in the way of general talk, and among other things I made reference to my business in the city, and it was general talk among the folks—all of us there—as to my business, and he said to me, "Now, Mr. Woy, if I can be of service to you in any way my time will be yours while you remain," as I was only remaining one day longer. He also stated that he had an intimate acquaintance with General Atkins, and that he would be willing to go with me before the Commissioner and say and do what he might in my behalf.

Q. Did he claim that the Commissioner was under obligations to him?—A. Speaking of that matter he said, "I have known the general for a long time. I have been associated with the House work"—speaking of the House of Representatives—"for a long time;" and that he had assisted what he might in the way of, I suppose you would call it "lobbying," or electioneering at the time when the general was running for Speaker of the House of Representatives.

Senator BLACKBURN. You mean when he was running for Clerk of the House, I expect.

The WITNESS. Well, something of that kind; I do not remember what. But he said that the general came within one of being elected.

Senator BLACKBURN. That was for the Clerkship.

Q. That was what he represented?—A. That is the way he introduced himself to me as standing in with the Commissioner.

Q. What was the result; did he go with you to the Commissioner?—A. Yes, sir; I asked him to go. I said I was alone and would be going up there alone, and of course I felt I needed every influence I might bring at the time, and I asked him as a friend to go up and, of course, aid me what he could, not for any compensation whatever, but just as a friend.

Q. Did he go with you?—A. Yes, sir; he did.

Q. He went with you the next morning?—A. Yes, sir; and I believe he said and did what he could for me so far as I know.

Q. Did he have an interview with the Commissioner?—A. Yes, sir; he went in and made himself familiar, and I thought was familiar. I thought nothing else, and know nothing different now. He sat down and had a conversation pertaining to my business while I was in the room, and that continued as much as ten or fifteen minutes pertaining to this matter of my tradership. I had explained my position well to Mr. Ellison, and he, as I believed then and believe now, tried to use what influence he had in my behalf as a gentleman and friend.

Q. And he seemed to be on familiar terms with the Commissioner of Indian Affairs?—A. Yes, sir; he did. The Commissioner treated him as such, and I felt then, as I do now, that he was on terms of intimacy with him.

Q. And you think he did the best he could to help you get your license renewed?—A. Yes, sir; I think he did, and we have been friendly before and since, and we are to-day.

Q. You mean yourself and Colonel Ellison?—A. Yes, sir. There is no correspondence between us, but I feel warmly for the gentleman for what he did then.

Q. He came afterwards and staid with you at the Cheyenne and Arapaho Agency, did he not?—A. Colonel Ellison came to the agency at Darlington, perhaps the last of October or first of November. I was apprised in some way or other that he was in the Territory, and he came down there on the stage from Caldwell and came into the store. I recognized him and took him to the hotel across the way, and while he was there he spent a good deal of time with me, that is he was in the store a good deal of the time and stopped with us, of course living at his room at the hotel.

Q. Did he or not tell you that he had a choice of agencies at Osage or at your place?—A. In relating the matter of procuring a license he either told me that or had written me that; that he had the choice—not at our place, if I recollect correctly (it is only a recollection), but I think it was a place in the north or northwest, in Dakota or the Osage Agency; at either the Osage Agency or in the northwest at another

point somewhere, not at our agency, for I remember that in the conversation he said that he had tried to get his license for our agency and had failed.

Q. Do you know anything about a fracas which occurred over there when he did not come down to breakfast one morning in good season, and when he was going off the hotel-keeper fired him out, and all that?—A. There was something like that said by him one morning when he came in, but I could not tell you that story for I did not charge my memory with it. But he said that he and the landlord or landlady had some words that morning because he came down very late to breakfast. They had taken exception to his late hours, and told him he would have to get down at breakfast time or he would not get any breakfast. That is about the substance of it.

Q. Did he say he was going to have them all fired out there?—A. If he said it I have no recollection of it.

Q. Do you know anything about his offer to get a doctor transferred to the agency in the place of Dr. De Bra?—A. I do not know of any direct offer; I do not know of any offer. I know that there was a morning there when he said, "I have got a little business matter that I wish to attend to this morning with Dr. De Bra," and he went directly down and I do not know but what I went far enough to show or direct him where the doctor's office was, and may have gone to the doctor's office, but no further; I was busy. He went and transacted some business with Dr. De Bra one morning, but I did not know at the time what the import of it was.

Q. Did you not receive a letter from some one in the agency telling you that Ellison was making offers to get the doctor transferred from the Osage Agency to that place?—A. I have no recollection of the letter, though I have a recollection of hearing something about it, either through Ellison himself or in some other shape. The story is familiar to me and about that time.

Q. Is it not within your knowledge that Ellison being there at your place, interested himself in getting a doctor to come to that agency?—A. Yes, sir; he was interested about the doctorship; I am very clear on that point, but to what extent I am not able to say. I know that was a point in his conversation more times than one.

TESTIMONY OF H. P. BRANHAM.

H. P. BRANHAM, having been duly sworn, was interrogated as follows:

By the CHAIRMAN:

Question. What is your full name?—Answer. Harris Parke Branham.

Q. What was your residence before you came to the Indian Territory?—A. My home was in Oxford, Miss.

Q. Have you been at any time a law partner of Secretary Lamar?

The WITNESS. Do you mean at any time in my life?

The CHAIRMAN. Yes.

A. I have.

Q. Up to what time?—A. Up to the latter part of December, 1885.

Q. Had the Secretary any active interest in your partnership up to as late a period as that?—A. He had not.

Q. When did his active interest cease?—A. In 1871; I think about that time; about twelve years previous to that.

Q. But the name of the firm remained the same; his name was continued in the firm?—A. We had the use of his name.

Q. But he received none of the profits of the firm?—A. None whatever.

Q. Who were the active partners, the partners who divided the profits of the firm?—A. Professor Edward Mayes and myself.

Q. Are you in any way related to Secretary Lamar?—A. I am a nephew of his first wife.

Q. When did his first wife die—several years ago, was it not?—A. In January, 1884, I think; several years ago.

Q. You married Dr. Isom's daughter?—A. Yes, sir.

Q. Have you any relatives in Government employ in the Indian Territory?—A. I have a cousin who is superintendent of the Chilocca school here. I have a brother-in-law who is physician at Kaw Agency. I know of none other.

Q. What is your brother-in-law's name?—A. Thomas D. Isom, jr.

Q. Have you any relatives other than those you have mentioned connected with the Indian service anywhere?—A. None that I know of.

Q. What capital had you when you were licensed, I mean of your own means?—A. Of my own means I had my practice, and I had a half-interest in a drug store at Oxford, Miss.; that was about all.

Q. We will put it another way. How much were you worth in money or property when you were appointed a trader, approximately?—A. I presume from $4,500 to $5,000. I would like to state that I had a residence and furniture and things at Oxford, but that I had given them to my wife years and years before; they were not in my name and were not my property. Still they were the proceeds of my labor; I had made them and given them to her.

Q. Given all to her?—A. Yes, sir.

Q. As it does not appear on the list which has been furnished to the committee, will you please state who recommended you for the position of Indian trader?—A. No one that I know of. I can give you the history of it, how I got it, if you desire.

Q. Do so, if you please.—A. Some time in November, about the 1st of November, I think, in 1885, I received a letter from Mr. John N. Florer, of the Indian Territory, stating that he had understood that I might like to engage in trade as a trader in the Territory, and telling me that if I could get a license with him at the Osage Agency, that the firm of Finney & Schiffbauer had a store at Gray Horse, and if the two could be combined he thought a good deal of money could be made out of it. His letter painted it in very glowing colors. Up to that time the thought of an Indian tradership had never entered my mind. I can say I had never met Florer before or heard of him, but it seems my brother-in-law, the physician at Kaw, to whom he applied first to receive his position, got in with him and told him that perhaps I might like it. When I got that letter I telegraphed to the Secretary of the Interior in substance to this effect: "Can I get a license as Indian trader at Osage Agency and at Gray Horse, Osage Reservation? Answer immediately." The next day I received an answer, which was in substance this, and the words, if I can remember distinctly: "I cannot answer immediately. Write me fully what you want." I then sat down and wrote to the Secretary in full that I had received this letter from Mr. Florer, gave him the substance of its contents, and told him what I wanted was a license, in conjunction with Mr. Florer and Schiffbauer & Finney, for those stores.

I never heard from him afterwards, but a few days after that, probably a week or a week and a half, I received a letter from General Upshaw, in which he said that my letter to the Secretary had been referred to him; that owing to the long and intimate friendship that had existed in our boyhood and young manhood that he was anxious of course to do anything that he could consistently for me, and if he could give me what I wanted that he would do it. But he seemed to recommend other points for me than Osage and seemed to desire that I should accept one at Kaw or one at the Lower Brulé Agency, or leave the matter entirely in his hands and let him select something for me. He said that he did not see that I needed any partner.

He went on, however, to state that he could not license Mr. Florer, because Florer had previously to that time sold his good will to a gentleman named Davidson, which had been transferred to Bird & Wismeyer, and Bird & Hixson claimed that the time had not expired; that he could not assist Florer, nor could the Department countenance a violation of that contract.

In the meantime I received a letter from Florer urging me to come out here and look at the matter to see if I wanted it, which I did. I came, and Schiffbauer and I went on to Washington to see what could be done. The day we reached there was the morning of Vice-President Hendricks's funeral. The Secretary was absent at Indianapolis and all the Departments were closed. The next morning I went to see General Upshaw first. He asked me, the first question, if I intended to come out here. I told him I did not. He said that General Atkins required all traders who were licensed to give their personal attention to the business and to be here. I told him that that knocked the bottom out of it with me, for I was not coming. "Well," he says, "let us go and see the Commissioner. He has been running the Osage Agency and has made the appointments there, and I would rather he would settle the question himself." So we went up to see General Atkins.

Q. He told you the Commissioner had been running the Osage Agency? Does not the Commissioner make all the appointments?—A. Yes, sir; but General Upshaw had been Acting Commissioner in the Commissioner's absence just previous to that time, and the Commissioner had gotten back. We went to General Atkins's office and I told him what I wanted; that I wanted a license for Schiffbauer and myself at Gray Horse and at Osage, two stores combined. He objected to putting two stores in one license and wanted me to take one store alone. I told him that I had never been a merchant and knew nothing about merchandising or anything about Indians, and I was not willing to embark in that sort of enterprise alone without the assistance of some man who had some experience and knew something about it.

He still objected to putting two stores in one license. I said to him that if he could give Schiffbauer a license for one store and could give me a license for one store I did not see why, if we preferred it that way, he could not give the two together; that it would amount in substance to the same thing. He said it was not customary and he could not make any exception in my case to any regulation. I told him certainly not; that I was not a man that any exception ought to be made in favor of. He said he knew that.

He then turned and asked me if I was going out there. I told him I was not. He said, "You will have to take your family and go there." I said, "General, I would not do that; I would not carry my family there for the whole Territory." He says, "That settles it, then."

Before that, though, he asked me about the Gray Horse store. I told him this: That when I came here I went first to Gray Horse, and then I went to the Osage Agency and there I saw Agent Hoover, the agent of the reservation. My visit there was to him especially. I made an appointment to meet Agent Hoover in his office at night at Osage. I told him that I was going on to Washington, and that I was going to try to save that Gray Horse store for those gentlemen. I did not tell Hoover I was going to apply myself for a license anywhere, but that I was going to try to help those gentlemen save their store, and inasmuch as he was agent there I wanted to know what he thought as to whether or not the store should be there.

He told me that he did not wish to be placed in the attitude of volunteering advice to the Indian Department, but that his opinion was that the store ought to remain there; that it was a convenience to those Indians and almost a necessity, and that he knew very well that if he was to remain and live anywhere in that country he would want the store to be there, and it ought to be there; that judging of the Indians by himself he thought it was a convenience to them and ought to remain.

I stated all that to General Atkins. He told me he had intended to abolish the store at Gray Horse; that it had been represented to him that the Indians were kept out there away from the supervision of the agent. I told him that to remove that store would be in my opinion a very great hardship to the Indians; that it was 25 miles from the agency or from any other store; that it meant that every Indian who wanted a pound of meat or a sack of flour, or anything to eat or wear, had to come from 20 to 40 miles for it and haul it from 20 to 40 miles back in a wagon, that it was a hardship to them.

I told him, furthermore (and that is the case), that there were times in the year when it was impossible for those Indians to get to the agency; that the roads were in such a condition as to make them almost impassable at times, and in winter that the weather was very severe out here at times, and besides that, that in times of freshets there were creeks to cross between there and the Osage Agency which became impassable.

After considering the matter he told me this: He says, "If you will go to Gray Horse and take that store, under all the circumstances, what you say, and the agent wants it, I will reconsider my determination to abolish it." I told him I did not want the Gray Horse store alone. "Well," he says, "that is all I can do." I thanked him and left the office.

I went back to Schiffbauer and told him that it could not be done; that was at dinner. I said to him, however, that I had made a trip out here and from here to Washington, and that I was done with it and was going back home to practice my profession. I told him that General Atkins could make no exception, of course, in my favor, and that I could not agree to his regulations to come out and take the store alone, and that I was out of it and done with it, but that I was not willing for him to go back empty handed, and I now wanted to try and save the store for him.

I got Schiffbauer to go with me to General Upshaw's office immediately after dinner, and I told General Upshaw in substance about the same thing, that I could not agree to what General Atkins wanted; that he did not want to give me what I wanted and I did not want to take what he could give me; that I was done with it and he could consider me out, but that I had been here and made inquiries in regard to Schiffbauer's character and I could not see any reason why he could

not have the store; that his property was out there at Gray Horse and I could not see why he should not keep the store at Gray Horse, or at least be permitted to haul his property into Osage and keep the store there, as General Atkins had told me that if he abolished the one at Gray Horse he intended to establish one at Osage; that he must have that many stores on the reservation.

General Upshaw told me to come back about 3 o'clock. We went back at 3 and he said, "I have not had an opportunity of talking to the Commissioner; come and go up with me to the Commissioner's office." We went up into the Interior Department, and when we got to the door I said to General Upshaw, "You go on in there and talk; General Atkins don't want to see me any more," and I walked into young Mr. Lamar's office, the private secretary to the Secretary, and General Upshaw went into the Commissioner's office.

In a little while General Atkins came into the room where I was talking to Mr. Lamar, jr., and says, "I have been thinking about what you said to me, and after considering the whole matter I do not see why, if I could give you a license at one place and Schiffbauer one at another, it would make any difference to give both of you the two stores together, and I will do it if you will take your family and go out there and attend to it."

I hesitated a while and finally I said, "It makes no difference to you, General Atkins, whether I take my family or not if I go myself." He said it did not. I told him that I would consider it and thought that I would accept and try it. He says, "If you do, send on your bond and the license will be issued." That was the way I got it, sir.

Q. While in Washington seeking this position, had you any conversation with Secretary Lamar about it?—A. For about five minutes during my visit there I saw the Secretary. While General Upshaw was talking to the Commissioner the Secretary sent for me. I went into his office and found he was engaged in talking to General Walthall and General Catchings, of Mississippi, and Congressman Lowry, of Indiana—I was told it was him. After those gentlemen left I sat down on a sofa, and I was not in the room more than five minutes. The Secretary came up to where I was and shook hands with me and says, "Have you and Atkins fixed up your matter?" I said, "No, sir." He said, "What is the matter?" I said, "General Atkins had some regulation that I did not know anything about or I would not have come on, and he doesn't want to give me what I want, and I don't want to take what he wants to give me, and that is the end of it." He said, "I am sorry." I said, "It doesn't make any difference, I will go back home." Just then we were interrupted, and that is every word that has ever passed between us as to a license there or anywhere else.

Q. You were an old friend of General Upshaw's, you say?—A. Yes, sir; I have known him for twenty years.

Q. Were you in the Confederate service?—A. I was not.

Q. Was he?—A. I think not; I do not know.

Q. Do you know where he gets his title of "general"?—A. I never heard it until he was appointed Assistant Commissioner.

Q. Did Hoover, the agent, know your history and relationship when you asked him whether he thought the Gray Horse store ought to be maintained?—A. He did not. Agent Hoover did not know my relationship to the Secretary until after I had obtained a license and built my store-house; gotten my license and come down and located the store at Osage.

Q. What license or licenses did you get?—A. I got a license which authorized Mr. Schiffbauer and myself, under the firm name of Branham & Schiffbauer to trade as Indian traders at Osage Agency and Gray Horse creek in the Osage Reservation.

Q. You then formed a partnership with Schiffbauer, did you not?—A. Yes, sir.

Q. What were the terms of that partnership?—A. The terms of the partnership were that all expenses were to be borne evenly; that I was to have $2,000 from the firm and the balance of the profits were to be divided evenly.

Q. What amount of money did you put into the firm?—A. Six thousand dollars.

Q. And that you paid to Schiffbauer?—A. I paid part of it to Schiffbauer for what he had at Gray Horse, and the other portion I put in the goods I purchased in Saint Louis.

Q. Was Schiffbauer interested in the store at the agency?—A. In our firm? Yes, sir; certainly he was.

Q. The firm carried on the business at both places?—A. Yes, sir; at both places.

Q. And the license was to the firm?—A. Yes, sir.

Q. At both places?—A. Yes, sir.

Q. Were any written articles of partnership drawn between you?—A. Nothing more than a receipt which I took from him. There were no written articles of partnership. I took a written transfer of one-half of the property at Gray Horse; that was all.

Q. The agreement upon which you were to divide profits was never put in writing?—A. No, sir.

Q. Now, was not this the arrangement: Didn't you tell Schiffbauer that you could hold the license at both places and that nobody else could, and that in consideration of that you must have $2,000 more of the profits than he had, and it was to be charged to expenses?—A. I did not tell him anything of that kind, sir. The $2,000 that I got was to be charged as expense.

Q. How long did your partnership with Schiffbauer continue?—A. It continued one year.

Q. You then bought him out?—A. Yes, sir; at Gray Horse.

Q. Did he want to sell out?—A. He did not want to sell at Gray Horse.

Q. Why did he sell?—A. Some time in the summer I was writing to General Upshaw and I made the remark on some other matter (I have forgotten what, it was a friendly letter of some character) in speaking of the disagreeable life that a man had to lead at Osage Agency; that General Atkins wanted me at the beginning to take a store by myself at Gray Horse, and I thought that he knew what was best for me better than I did myself, and that at the end of the year I did not know but what I would try to make the arrangement. I never heard anything more of it. I did not know that General Atkins ever saw the letter. But some time in the fall, I believe, or that late summer (I have forgotten when it was) of last year, General Atkins made a trip through this country and came to Osage Agency. In the interview that General Atkins had with Mr. Hartley and myself, just before he left, at the agent's house, Colonel David's, he said to me, "You said once that you believed I knew better than you did about your taking a store by yourself; do you still think so?" I laughed and said, "I do not know, general; I have not thought anything more about it. That was the

remark I made to General Upshaw, but if you desire me to do it I am willing." Well, he said, "I have come to the determination"——

Q. Wait a moment. Was that General Upshaw or General Atkins who said that?—A. It was General Atkins. He said, "I have determined to break up totally all branch stores; they give me more trouble than all the balance—not the stores themselves—but when one man has it everybody else wants one, and I have determined to break them up all over the country, and I would prefer not to renew any more licenses of that kind. Now, I wish you would take a store either here or at Gray Horse, and you can have which you please." I told him, of course, I would take the one at Gray Horse. I said, "General, you will give us until our license expires, will you not, to make the change?" He says, "I have given every Republican and everybody else that privilege, and I do not think I will deny it to you and Schiffbauer. You can have until your license expires to make the change." When the license expired the change was made.

Q. But you say that Schiffbauer did not want to sell out at Gray Horse?—A. Not at Gray Horse; no, sir.

Q. Did you make him sell out?—A. I simply told him what the Commissioner said, that was all, and he sold out; that he would not renew that double license any more.

Q. Would he not renew the license at Gray Horse for both of you?—A. He probably would have done that, but I did not ask him to do that. What he would have done in that respect I do not know, but perhaps I can throw some light on it in this way: I said to General Atkins, in the interview up there with Hartley, "Well, I can just turn the Osage store over to Schiffbauer?" He said, "Certainly." When he came down town, however, it seems that some one had told him that Schiffbauer was not a Democrat, and I asked him again when I went to say good-by; I said, "General, I will just turn the Osage store over to Schiffbauer and I will take the Gray Horse store." He said, "Is Schiffbauer a Democrat?" I said, "I do not know; he tells me that he is, and I believe what he says. Others say that he is not." "Well," he says, "I cannot promise about that." He told me it was not because Schiffbauer was a Republican, as he told me in Washington; that he had granted as many licenses to Republicans almost as to Democrats; that it was no *sine qua non* to him that a man had to be a Democrat, but inasmuch as Schiffbauer had been represented to him as a Democrat and others denied that he was, that he wanted to know if he had been acting perfectly open with him, and he would wait to find that out before renewing his license.

I told Schiffbauer in regard to that, and he still said he was a Democrat. I said, "Schiffbauer, come, go on to Washington and you can get your license at Osage without any trouble; I am confident you can get it. Come with me and you can go there and can state to the Commissioner what you say, and I have no doubt in the world you will get it." He said he thought he could get it himself, but he did not want the Osage store if it was not connected with the Gray Horse store.

When I went on to Washington, in my conversation with General Atkins I spoke of this matter—no, when I was going to sell out to Brenner he says, "What about Schiffbauer, doesn't he want that store?" I told him Schiffbauer said he did not want it, but was willing to sell to Brenner. He says, "Under those circumstances then, if Schiffbauer does not want it, you can sell to Brenner." I said, "I am glad to hear that, general, because Schiffbauer felt a little sore over what you told me, and I told him that I knew he could get his license if he would

come here and ask for it, and I am glad to be able to tell him that I was correct." He says, "You were correct, and if he wants it he can get it yet. If he does not want it Brenner can have it." That is all I know about whether he would have issued a license or not.

Q. When you returned from your visit to Washington did you communicate to Schiffbauer the fact that Brenner was going to have the store at Osage?—A. Do you mean on my return from that visit? It was before we went to Washington; the terms of sale to Brenner between Schiffbauer and myself had been made, and he was cognizant of the fact that Brenner was coming on there to take it, and he told me to say to the Commissioner that he did not want it.

Q. He understood that he was not to have the store at Osage?—A. Yes, sir; because he did not want it. But he was confident he could get it if he did want it.

Q. But he still wanted to retain his partnership at Gray Horse?—A. Yes, sir.

Q. And that you would not consent to?—A. No, sir; I would not consent to that.

Q. When you made that partnership with Schiffbauer how long did you expect it was going to continue?—A. I expected it would continue as long as there was a Democratic Administration, sir.

Q. But in fact it terminated at the end of the year?—A. Licenses are always issued for one year. I thought it would be renewed.

Q. And you supposed at that time when you made the partnership that it would run during the Administration?—A. Yes, sir.

Q. Was this $2,000 that you were going to take a sum which you expected to take out of the profits of the business during the continuance of a Democratic Administration?—A. It was to be an annual payment of $2,000 as long as the partnership existed.

Q. And if the partnership had existed three years it would have been $6,000 that you would get more than Schiffbauer would get?—A. Yes, sir.

Q. What reason was there for that?—A. It came up in this way, sir: When General Atkins told me in the room of Mr. Lamar, jr., that if I would go there he would give us the two stores, I went back to the hotel (it was about supper-time) where Schiffbauer was and I told him what the Commissioner had said; I told him the Commissioner absolutely required me to go out there. The understanding was, when Schiffbauer and I applied for this license, that I was to remain in Oxford and practice my profession, where I had a certainty of making a living for myself and family, and that he, who was not engaged in business at the time here at Arkansas City, would go out there and run the business, I coming out here as often as I thought necessary to look after my interests. That, however, we found was an arrangement that could not be made, as we ascertained that the only condition upon which we could get this license was that I was to give up my practice in Mississippi and come here and make this my residence and give it my personal attention, which would have been a sacrifice (not contemplated when we applied for the license) of my practice there which I thought, at a low estimate, was worth $2,000 a year.

I told Schiftbauer that I did not think I was willing to come, and we were considering coming, he saying coming along that we could make money out here, that he was certain we could make it. To me it was an uncertainty. I knew very little about it. Finally it was agreed between us that if I would accept what the Commissioner offered us and give up my practice and come here, that the firm of Branham & Schiffbauer

would make up the $2,000 that I gave up, and which was not contemplated at the time that we applied for a license, and that it should be taken out of the firm as an expense in order to let me lose half of it and he lose half. We agreed that the loss of my practice should be borne equally between us, I losing half and he losing half by the amount being taken out as expense, which would make my share of the profits the same, $1,000 to come out of his half and $1,000 out of mine.

Q., You were to take out of the net profits $2,000 a year and then divide the balance?—A. Yes, sir.

Q. Did Schiffbauer give his time to the business as much as you did?—A. He did.

Q. He had had some experience in merchandising, had he not?—A. Yes, sir.

Q. And you had none?—A. None, except a little experience I had in running a drug store once, but that did not amount to much.

Q. You did not give any personal attention to the drug store, I presume, while you were practising your profession?—A. Schiffbauer had but little experience as an Indian trader, not as much as I thought he had.

Q. His brother was employed there, was he not?—A. No, sir; his brother and himself were once merchants here in Arkansas City.

Q. Was not his brother at either store while you were in partnership with him?—A. No, sir; he was not. His brother was mayor of Arkansas City all the time.

Q. You expected this partnership, covering the two stores, would run during the entire continuance of a Democratic Administration; that was your expectation?—A. That was our desire, and I had no reason to suppose that it would not.

Q. Did you not tell Schiffbauer that, situated as you were, there was no doubt that would be the case?—A. I told him that I thought I could keep the license there for us; that we could keep the license.

Q. During the entire continuance of the Administration?—A. Or that I could, I do not know which. I know it was my thought at the time that if the Commissioner would license us he would renew our license, if there was no good reason to revoke it.

Q. Schiffbauer then expected, in agreeing to let you take that $2,000 out of the profits, that he would have a business with you during the continuance of the Administration, did he not?—A. I presume that he did. He had every right to think so.

Q. Then at the end of a year you told him that he had got to sell out?—A. No, sir.

Q. Did you not, practically?—A. I do not think so, sir.

Q. He did not want to sell out at Gray Horse?—A. Not at Gray Horse.

Q. But you insisted that he should?—A. I mean this: Schiffbauer had every reason to suppose, and so did I, that when the license was granted for the two stores it would be continued that way during the continuance of the Administration; but Schiffbauer had no reason to suppose that if General Atkins changed his mind and refused to relicense us together for two stores, that if General Atkins upon consideration determined to break up all branch stores in his Department, that an exception would be made of us, and that we would be continued; and he had no right to suppose that if I had only one store there that it would be divided that way; in other words, that we would be partners in one store, and when they were divided I could take one and he could

have had the other. The only difference that was made between Schiffbauer and I in the division was that I got the choice of the two stores.

Q. That is, that he could have the other if he was a Democrat?—A. No, sir; that he could have the other if he had acted openly with the Department and with the Administration.

Q. When you came to settle up did he agree to the payment of this $2,000?—A. I have received the $2,000. I got it at the last payment of the Indians, in January.

Q. Did Schiffbauer agree to the payment willingly?—A. At first he did not, but afterwards he said it was all right. At first he objected to it and wanted to see whether we had made anything or not. But after the inventories of both stores were taken and we had sold out the Osage store to Brenner and he saw what we had made, the entire results of one year's business, I spoke to him again about it and he said "That is all right, I am willing to agree to that; go on."

Q. At that time did you not tell him that the only question that there could be about it would be whether you took that out of what you were to pay him for his share, or whether you were to take it out of the collections?—A. No, sir; I did not. I told him this: I told him that, according to the agreement, that $2,000 of expense could have been taken out any time along during the year, and I told him I was going to have it. But I never threatened to take it out of what I was to pay him at all, sir.

Q. But you told him you were going to have it, anyway?—A. I told him I was entitled to it and was going to have it.

Q. Did he not object on the ground that you were not entitled to it inasmuch as the two stores were not kept up and the partnership was not continued?—A. He said something about that. He did not say I was not entitled to it, but he said this: He says "When we entered into our partnership I expected this thing to run along all the time during the Administration; I did not expect to have to go out in one year." I said, "Schiffbauer, if it ran one year I was to have the $2,000. If it ran two years I was to have $2,000 each year. If it ran three years I was to have $2,000 each year. As it ran over a year I do not see that that makes any difference. The question is simply, what is to pay for the time we run."

Q. You expected to make money by coming here?—A. Yes, sir; I expected to make money or I would not have come.

Q. You expected to make as much as you made in your practice at home?—A. I thought so, or I would not have come.

Q. Then how did it become a matter of justice and fairness to recompense you for leaving your practice at home?—A. It was because while I expected and hoped to make it, it was not certain, and because I gave up at home a practice which was an absolute and certain living to my family and myself as long as I lived, if I chose to keep it. Whereas Schiffbauer had his property in the Territory and was not in any business here and did not sacrifice anything to come. More than that, when we went on to apply for the license it was never contemplated that I was to give that up. And there was another matter that I mentioned to him, and that was that when I did give my practice up and came to Osage and took charge of that store, I was the book-keeper of that establishment during the time, and I saved the store by coming there the salary of a book-keeper.

Q. What became of Florer?—A. Florer was a clerk with me at Osage.

Q. Is he with you still?—A. Yes, sir.

Q. What kind of a man is he?

The WITNESS. In what respect?
The CHAIRMAN. What does he do?
A. He is our head clerk.
Q. Is he a man of good character?—A. I think so.
Q. Is he a gambler?—A. I never have seen him gamble.
Q. Don't you know that recently there was $800 lost or won by Florer in the Territory by gambling?—A. I never heard of it.
Q. You made no partnership with Florer?—A. No, sir; none whatever.
Q. How much did you give Schiffbauer for his interest in the Gray Horse store?—A. I gave him cost and carriage for all new goods, all goods that had been bought by the firm of Branham & Schiffbauer.
Q. Then you gave him one half?—A. Yes, sir; we took the inventory and then divided by half. We put the buildings and improvements at $1,450, and there were other articles that had come over from the firm of Finney, Schiffbauer & Co., and other things, like fixtures and furniture, some that had come from them that we just put a value on.
Q. How much did you get, in round numbers, out of it, out of the Gray Horse store on the dissolution?—A. I paid him thirty-five hundred and ninety and some odd dollars in money and he got some of the articles. He got a buggy and a pair of mules and some other articles that ran it up.
Q. And then you took the $2,000 out of the collections?—A. Yes, sir; I took that out of the collections.
Q. You tried to get the annuity paid at Gray Horse?—A. Yes, sir.
Q. Had you anything to do with the establishment of the store at Hominy Creek?—A. Nothing further than the fact that General Atkins asked me what I thought of it, and I told him I thought the store at Gray Horse was a necessity, and from all that I could learn I saw no reason for the one at Gray Horse that did not apply with equal force to the Hominy Creek store.
Q. Did the Commissioner of Indian Affairs ask you that by letter?—A. No, sir.
Q. Was it when he was out here? –A. No, sir; it was when I was in Washington.
Q. Was that the time when Hale & Phillips got a license?—A. They got a license soon after that.
Q. Were either of them there at that time for the purpose of getting a license?—A. They were not. They had applied for a license, but were not in Washington.
Q. Was Brenner there at that time?—A. Yes, sir.
Q. He was applying for a license for them or aiding them in getting it?—A. Not that I know of; I never heard him say anything about it.
Q. What were you in Washington for at that time?—A. Partly to try to get a payment made at Gray Horse, but at the same time also to get the consent of the Commissioner to let Schiffbauer and myself sell out to Brenner at Osage.
Q. Brenner was an old acquaintance of yours?—A. He is a citizen of Oxford, Miss., and I have known him a long time.
Q. Where is Phillips from?—A. I understand from Tennessee. He told me that himself. I never knew him before I met him at Osage.
Q. Had he ever been in the Territory before he came to Hominy Creek?—A. Hale & Phillips were traders all last year at Osage Agency. They broke up the store there and went to Hominy Creek.

Q. You did not broach the subject to the Commissioner about the Hominy Creek store until after he had spoken to you about it?—A. I did not. It was either in reply to a question of his, or a question of John Atkins; I do not remember which.

Q. Who was John Atkins?—A. The son, I think, of the Commissioner. I never saw him before I met him in Washington.

Q. Had he any position there?—A. My impression is that he is his father's private clerk or secretary.

Q. Did you understand that this son of General Atkins was trying to get permission for Hale & Phillips to go to Hominy Creek?—A. All I know is that John Atkins asked me about them. When I went to the Commissioner's office he was busy at the time, and John Atkins saw me. He came to the door and we were talking out in the hall, and something was said either by Mr. Atkins or myself, I think by Mr. Atkins, who was asking about his friends down here at Osage—or to go back a little: When General Atkins came to Osage, John Atkins came with him, and in that way got acquainted with all the traders and the parties down at Osage, and he was inquiring about them, and when he came to Phillips, and asked me about Hale & Phillips, he asked me what I thought about that store down on Hominy Creek. I think he said he had been an old friend of Phillips, and he said Phillips had asked him to help him get the store and he would like to see him get it if he could. He asked me what I thought about it. I made the same remark that I made about the Gray Horse store and about the Hominy Creek store, and he said, "I wish you would tell my father that. He is very much inclined to give them that store, and I would like very much to see them have it, and I think if you would tell him that he would probably give it to him, as you know the state of facts down there." I said I did not like to volunteer in the matter, as it was not a matter of mine, but if the Commissioner should ask me my opinion, that I would give it to him. He says, "I am going to make him ask it," or something of that sort, I do not know what. But anyhow we went back there, and in some way Mr. John Atkins brought the conversation around so that the Commissioner did ask me what I thought of establishing that store there. General Atkins asked me then, and said, "Do I understand you to say that you think it is for the benefit of the Indians?" I said yes, that I did. He repeated it: "Understand me, I do not mean for the benefit of any of the traders down there, but do you consider it for the benefit of the Indians; that is what I am looking at solely." I said, "General, I do."

Q. It would be pretty natural for you to suppose so, would it not?—A. Why—that is the truth; yes, sir.

Q. Did you ever try to get Agent David to make the annuity payment at Gray Horse for the Big Hill Indians?—A. I attempted to get a payment made there. I spoke to General Upshaw about it, and General Upshaw spoke to the Commissioner about it.

Q. But before that had you not tried to get the agent to make the annuity payment there?—A. I had not, sir.

Q. Had you had no conversation with the agent about it?—A. I had, and the agent approved it, and wrote a letter to General Upshaw, or to the Commissioner, one, to General Upshaw, I think, saying that he did approve of it.

Q. The agent had no power to make it of his own motion?—A. None, whatever; and therefore I never asked him to do it. I simply asked Colonel David what he thought of it, and when I found that he ap-

proved it, I asked him if he would state that to the Department, and he said he would most willingly.

Q. Was he in favor of it when you first spoke to him about it?—A. He never objected to it in any way. The minute I spoke to him about it he said he thought it was a good thing and ought to be done.

Q. Did he say anything about its making him some trouble and expense to do it?—A. None that I know of; not that I remember at all.

Q. Was there or not any claim on his part, or suggestion on yours, that if he did it he was to be compensated for it in some way?—A. None whatever.

Q. When the agent recommended it who wrote the letter?—A. I did.

Q. And he signed it?—A. Yes, sir; he signed it and put a postscript to it.

Q. Had you been in the habit of writing Agent David's letters to the Department?—A. I had not.

Q. But in that instance you did do it?—A. I did.

Q. Were you familiar with his correspondence with the Department in other matters?—A. With the Indian Department? I was not, excepting in regard to a controversy that arose in some way between him and the United States marshals, in which he got me to assist him to write some letters. It was a conflict of authority between the police of the reservation and the deputy United States marshals of Kansas.

Q. Was it not a common practice for him to seek your advice as to what he should say to the Indian Department?—A. It was not a common practice.

Q. You did advise him in some matters?—A. In some matters I did; when he asked me I did.

Q. You told him what letters to write?—A. I told him what I thought, and in that instance I speak of I wrote some letters for him which he changed and wrote to suit himself afterwards.

Q. Do you think any person but yourself could have secured those two licenses, one at Gray Horse and one at Osage?—A. I think the officers of the Department could auswer that question better than I. But I do think that if others had made the same representations of the state of affairs there, and had been backed by the opinion of the agent in charge, put there by that Administration, that the store ought to stay, that it would have been given.

Q. Agent Hoover succeeded Agent Miles, did he not?—A. Agent Hoover was there when I went there. My understanding is that he did succeed Agent Miles.

Q. Agent Hoover recommended the continuance of the store at Gray Horse, did he not?—A. Agent Hoover told me that in his opinion it ought to stay there, and I told the Commissioner so, and Agent Hoover knew I was going to tell the Commissioner so when he told me.

Q. Do you know whether Agent David was ever asked that question or whether he ever made any recommendations on the subject?—A. I saw a letter from the Department, which I believe is a sort of form of letter sent every year, that if he had any recommendations to make of changes he should report them; and his reply to it, as well as I remember, was that he did not see that any changes were necessary.

Q. Do you know whether he ever had any correspondence with the Department or the Department with him as to the advisability of keeping that store there?—A. I do not.

Q. What has become of Agent David?—A. Agent David was at Osage Agency last January when the payment was made. Since then I have not seen him.

Q. Do you know where he is?—A. I think he is in Washington City; I heard that he was.

Q. Do you know where he came from?—A. Detroit, Mich.; at least he told me he came from there.

Q. Are you aware of the fact that pretty much all the traders down there think that you are so "solid" with the Administration that you can get anything you want?—A. If I have any confidence in their statements made under oath before this committee, I am aware of that fact now; I was not before.

Q. Have you a partner now?—A. Yes, sir.

Q. Mr. Sheddan?—A. Yes, sir.

Q. What are the terms of partnership between you and Sheddan?—A. The terms of partnership between Sheddan and myself are an equal division. He put in his half and I put in my half, and we divide everything evenly. Our salaries, however, which are allowed, are different. He gets a salary of $1,000 a year and I get a salary of $2,500 a year.

Q. Did he have any money to put into the business?—A. He borrowed the money to put in.

Q. He had none of his own?—A. No, sir.

Q. Do you know of whom he borrowed it?—A. He borrowed it of Mr. Florer, and Florer borrowed it of Samuel C. Davis & Company, of Saint Louis.

Q. Do you know whether there is any private arrangement between Sheddan and Florrer as to a division of profits between them?—A. I know of none whatever. But I do know that every firm there has been required to make affidavit that no one except those whose names appear in the license is interested, either directly or indirectly, in the business of the firm. I was not there at the time, but Sheddan has made an affidavit, and it is on file in the Department. He is a man of the strictest integrity, in my opinion, and I cannot have any suspicion of anything of the kind.

Q. He had been a book-keeper, and did not have any means of his own?—A. No, sir.

By Senator BLACKBURN:

Q. Is there anything else that you want to state in connection with the matter of your business as an Indian trader?—A. This has been a very long examination, and I have tried to keep up with it. Whether I have stated everything or not, being kept constantly on the push, I cannot say. I do not think of anything else right now, unless it is in regard to a conversation that was detailed here between General Atkins, myself, and Mr. Hartley, when we went to see the Commissioner.

Q. You mean at the time he was at the agency?—A. Yes, sir.

Q. Do you recall anything of that conversation that you omitted to state before?—A. Yes, sir. I did not repeat that conversation at all, excepting as to the points the Senator asked me about.

Q. What was there about that which you desire to explain?—A. It was this: Just before dinner, the last day that the Commissioner was at Osage, some gentleman at the agency, I do not remember now who, told me that Hartley had applied for a license at Gray Horse. I became indignant, and I went to Hartley, who was standing up near the agent's office, where the Commissioner was talking, and I said to Hartley that I understood that he had made that application. He said that he had. I told him that he knew as well as I did that that was an effort to break me up at Gray Horse; that there was not room for two stores, and that if he made the effort to break me up there, and pushed the ef-

fort, when it could do me no good whatever, that it would be war to the knife between him and I for the balance of the time that we were down there. He said that he did not look at it in that way; that he did not want to injure me, but he wanted to do the best he could for himself, and he did not regard it that way and was sorry I talked that way; that he would have been glad if I had been present when he made application to the Commissioner, and thought of sending for me, but just didn't do it. I said to Hartley, "Now, immediately after dinner (it was just dinner-time then) I am going up to the agent's house to see General Atkins. I am going to make my statement of the condition of affairs there, and I want you to come along with me, and if you have anything to say in reply to say it, and let us settle this thing now once for all." Well, we went. Just before we got there Judge Rogers pushed by us, and when we got into the room Judge Rogers was already in the parlor. When the Commissioner came in from his dinner we saw that the judge had something to say that he did not want us to hear, or at least we presumed he had, and so Hartley and I stepped out, saying to the Commissioner that when Judge Rogers was through we would like to see him. Judge Rogers then left there after a while, and I told General Atkins what we had come for, and that Mr. Hartley was there by my invitation. Then I told him exactly what I thought about that store there, the business that we had done that year, and the business I thought we could do. I told him I thought we could do a business there of from $30,000 to $35,000 a year certainly, but more than that we could not absolutely count upon, though we were going to try to do more than that; and it was possible that we could do more than that, but that that was all we could count on with any certainty. I also told him that there was not room there for two stores. I said to him, "General, whenever you decide that you do not want me there, then let me go, and give the store to some one else; but do not break up the store. And whenever you decide that you want to put another store there too, all I ask is just to give me the opportunity of selling out to the man, and let him have it all. It is a very good thing for one, but it isn't worth anything for two."

Mr. Hartley then said, in substance, that when he made application for the store his impression was that there was more business done there and could be more done there, and intimated, I think, that he still thought so, although he did not intend to dispute my word about it. That was about the substance of what he said at that time. General Atkins then said that Judge Rogers had applied for a license there and he had refused it, I believe. He said, "I have come to the conclusion that the store ought to stay there, and that there is not room for two stores." Then the question turned on the Hominy Creek store, and a conversation was had between Mr. Hartley and General Atkins, I taking no part in it, about a store down on Hominy Creek.

Q. What is the amount of business that you do at your Gray Horse store?—A. Last year Schiffbauer and myself did a business amounting to something under $40,000 is my recollection, though I have not seen the books for some time. This year we are doing more. I think our sales from the 19th of last December to the present time are somewhere between $20,000 and $25,000, for about five months; but I do not think that that is a fair criterion of the business we can do there this year or any other year; I think it is an overestimate.

Q. Does that cover a period of the year—from the 19th of December last until now—when you do an exceptionally large amount of business or a small amount of business?—A. It covers a period of the year when

both the January credit is extended and the April credit is extended, and in this instance it covered more than that. The card system that we had extended up to the 1st of April, but for some reason the gentlemen at the agency did not seem disposed to give us any satisfaction about renewing it. The result is that from the 1st of April until now there has been no restraint whatever on the merchants about trading, and we have traded (not a great many, but some of them have) more liberally than would have been the case if the card system had been kept up. Whenever a trader speaks of what a store can do in the way of business, it means what we can do and not overtrade the Indians for more than they are going to get paid.

Q. Then, in round numbers, that Gray Horse store has a business which amounts to about $40,000 a year?—A. I think we can do a little more than that this year, but I do not think we can, year in and year out, count on more than that. I think we will do a business this year of about $50,000.

Q. Forty thousand dollars a year is about the amount of business that is done by a store at the agency, is it not?—A. What they are doing now I do not know. I ran a store there for nine months, and did, on an average, a business of about $40,000 a year.

Q. That is about the same amount you do at the Gray Horse store, is it not?—A. No, sir; it is more. I did more at the agency for the time I was there than we do at Gray Horse.

Q. Whose fault is it that the card system has fallen into disuse; is it your fault or the fault of the stores at the agency?—A. It is not mine nor my partner's fault in any way. Who else is responsible for it I do not know.

Q. Didn't your firm agree to send a runner in once a week with those cards by which the traders were to govern themselves?—A. Last year the arrangement was to send in once a week, and this year the arrangement is to send in once in two weeks.

Q. Did you keep up that arrangement?—A. Yes, sir.

Q. You did not fail in that?—A. No, sir; my partner has been to the agency twice, to try to get a renewal of the agreement, or get them to say what they were going to do, and he has reported to me that he could get no satisfaction whatever out of them. The last time he went he marked up, anyhow, for himself, and he was the only man at that time who had put scratch on a card since the 1st of April.

Q. Tell me something about the character of the country between the Gray Horse store and the agency during the winter months of the year, as to whether it is always practicable for the Indians to come in to the agency?—A. The character of the country between Gray Horse and the agency, so far as its general character is concerned, is about the same as it is through the Osage Reservation generally. There are hills and plains and prairies, and they get very muddy and very hard to drive over in a bad, rainy season. This year they have not been so bad, because we have had but very little rain. In the winter of 1885–'86, I remember, in January, 1886, the roads were almost impassable on account of the snow and cold weather; and there are times in the spring, in the rainy season, when the creeks there (one creek, especially, Bird Creek, and Clear Creek, right by the agency), are impassable except in a canoe or skiff. Of course they run down in a few days, but there are times when, if those Indians are out of anything to eat, they could not get it until the streams run down. If there were no stores anywhere else they could not get to the agency to buy any supplies.

By the CHAIRMAN:

Q. Have the streams been impassable during the past year?—A. No, sir; not to my knowledge.

By Senator CULLOM:

Q. You say you were to have $2,000 out of the partnership before making an equal division?—A. Yes, sir.

Q. That, you say, was what you were to get?—A. Yes, sir.

Q. And that was because you had a business at home and did not want to leave it unless you had some certainty of a salary?—A. It was because right in the midst of our effort to get a license an obstacle arose which was never contemplated, that I must make this sacrifice and come here, and Schiffbauer and I agreed to each pay half of it.

Q. As a matter of information let me inquire this: Did the Commissioner of Indian Affairs know anything about this arrangement?—A. He did not.

Q. And he never has known about it?—A. No, sir.

Q. You never said anything to him about it?—A. I never said anything to the Commissioner about it, and the Commissioner knew nothing about it that I know of, until (as General Upshaw told me yesterday or the day before), some one said something to them about it and he asked me if it was so, and I said it was.

Q. So that you never imparted that information to the Commissioner?—A. No, sir.

Q. How much farther from the place where you get your supplies is the Big Hills Agency or tradership than the post where the Indian agent is; how much farther do you have to haul your goods?—A. Last year we hauled them 10 miles less distance, but this year we haul to a greater distance. To explain that: Last year all of us at the agency shipped our goods to Coffeyville, which is 65 miles from Osage, where the goods were shipped to this point (Arkansas City), which is 55 miles from Gray Horse. This year, however, the extension of the railroad enables the Osage traders (and all do it with the exception of Mr. Brenner), to ship to Cedarvale, where we begin to ship our goods by teams, and then we have to haul them 35 miles, which is about 28 to 30 miles less than formerly. Ever since I have been in business at Gray Horse I have been getting my goods in this way.

Q. The cost of carriage is greater in proportion to the distance between the two places.—A. Yes, sir.

Q. And you necessarily put that additional cost upon your goods, whether much or little, do you not?—A. No, sir; we try to sell our goods at exactly what they sell for at the agency, and sometimes for a little less. My sole object has been this, to give the Indians out there everything that they can get at the agency at the same price, and they have the additional advantage of not being compelled to go 25 miles to get what they want. We keep up with their prices pretty well. I ran a store there for nine months and I know the price of goods has been pretty much the same all along.

Q. As we understand, the Commissioner of Indian Affairs furnishes you a schedule of prices and allows you to sell only at a certain percentage above what the goods cost you, put on the shelf?—A. Yes, sir; my understanding is that an order of that kind has been issued.

Q. Do you undertake to follow it?—A. I undertake to follow it in substance.

Q. What do you mean by that, that on some articles you charged just the per cent. of profit which was allowed, and on others less or more,

so as to make it average?—A. There are some things on which we cannot get the percentage allowed, while there are other things, in the way of trinkets and articles not necessary for their use, for which we can get more, and I try to make the average what the law allows.

Q. You say that you sold about $40,000 worth of goods last year, and think you will probably sell $50,000 worth this year?—A. No, sir; I said I thought I would sell $50,000 this year, but that we could count upon about $40,000 worth year in and year out.

Q. As I understand it there are about 500 of those Indians who live in the neighborhood of these big hills close to your post; is that so?—A. I do not know, sir. My understanding is that there were about 400, or between 400 and 450 within reach of that store.

Q. It has been stated here, I believe, that there were about 500 in that neighborhood?—A. I think that is an overestimate. I never counted them.

Q. And also that there were between 300 and 400 at Hominy Creek, and then the balance, in the neighborhood of 1,500, were at the other posts. Is that about right, do you think? How many are there altogether?—A. I do not know positively, but I have always understood there were about 1,500 or 1,600.

Q. About how many of them trade at your place?—A. When I first came out to this country in order to see whether I wanted a store or not, and whether I would come here, Schiffbauer and Florer at Gray Horse, in answer to my inquiry, told me there were 400 or 425 Indians, about that number, that could be counted on who were within that radius. Since then I have never inquired into it nor asked a question about the matter. The bands, however, are all numbered, the exact number in the band and in a family, and if I was desirous of knowing it, it would be simply a matter of mathematical calculation.

Q. I only desire to get at the approximate number. The most of those Indians trade at your place, do they not?—A. Yes, sir; they mostly trade there.

Q. And there is but one store there now, and that is yours?—A. Yes, sir.

Q. Yourself and Sheddan?—A. Yes, sir.

Q. There are four stores at the other posts?—A. There are four at the agency.

Q. And one at Hominy Creek?—A. Yes, sir.

Q. How is it, if there are four stores at the agency and you have only got one, and you have more Indians contiguous to your post than the agency stores have to theirs, that you do not sell more goods than they do, more than any one of them? I understand you sold about $35,000 worth of goods last year?—A. What they sell I do not know; I can only tell you what I sell. I have not said that I did not sell more or or less than they. I said that last year, according to the length of time that the store of Branham & Schiffbauer was at Osage we did a larger business there than the store of Branham & Schiffbauer did at Gray Horse.

Q. What is your belief from your general knowledge of the situation as to whether you sell more goods than any other one or two of the other stores?—A. Whether I can sell more goods than any one there I do not know. But I can sell more goods, I think, safely than any one store there; not than any two. If you will allow me to explain that more fully I will do so. The trade at the Gray Horse store is valuable, not so much because it is large, but because it is exclusively a full-blood Indian trade. Whereas the stores at the agency have the entire half-

breed trade, a part of which is good and a part of which a man had better not have anything to do with. But at the same time if he chooses to sell to half-breeds and to keep a good half-breed stock on hand he can sell a large amount of goods, but some of it he may lose his money on. It is just about the same as it is in doing a general business elsewhere, except that some of these half-breeds are a little harder than the generality of customers.

Q. You have stated that when you heard that Hartley had made an application to the Commissioner for a license to trade down there you became indignant. Had you any right to become so?—A. I think I had.

Q. For what reason?—A. Because I thought that Hartley ought to know that two stores there would do little or nothing except to counteract each other, and that neither of them would make anything; and inasmuch as all the traders had been doing everything they could to break up our store there and to try to bring us into the agency, I thought it was just simply a renewal of what I had understood had been done once before by Bartles and Dr. Bird—an effort to break us up without doing him any good.

Q. Had you any right to conclude that he simply wanted to break you up? Didn't they have a right to go where they thought they could do better than they were at the place they were trading?—A. That was not it, I think. I think Hartley simply wanted to get out there.

Q. He did not want to go there simply to break up himself?—A. I do not know, sir.

Q. Is is not true, now, that you were insisting that you should control that tradership post down there at all hazards?—A. By no means. My only thought was this: That Hartley without making any money himself would injure me, and that that was his desire, and I did not see why he wanted to keep me from making money down there if he did not make any himself.

Q. But I cannot understand why you should conclude that Hartley desired to ruin you. That seems to be a little obscure.—A. I cannot make it any plainer.

Q. I do not believe you can. It is hardly presumable that that is what he wanted to do. He had no spite against you, had he?—A. I do not think he had any personal spite against me, but there is a sort of business spite that pervades us all there all the time.

Q. That is simply that each man must do the best he can, is it not? The ambition you all have is to get the most money you can and do the best business you can?—A. Yes, sir.

Q. And that is all Hartley wanted to do, was it not?—A. I do not know what he wanted to do, but I just thought this: That he thought I had a good thing down there and he would break it up, and if that store was broken up none of us would make anything, and the Indians would come in to the agency to trade.

Q. You settled it by saying that you would not stand it?—A. That was a personal matter between Hartley and myself. I never threatened Hartley in any way.

Q. Did you know anything about Judge Rogers having made an application?—A. Nothing. The Commissioner, however, told me that Judge Rogers had just made an application for it.

Q. At any rate you prevented the Commissioner from issuing a license to anybody else to come down there?—A. No, sir; I did not prevent him from doing it.

Q. But it was prevented; he did not do it, did he?—A. I do not think the word "prevented" is exactly the word to use. I presented to the Commissioner what I thought was the state of affairs there and he concluded not to do it.

Q. How many white people do you have around your tradership post; I mean teamsters, haymakers, housekeepers, and employés generally?—A. We have Mr. Florer as our head clerk and Mr. George Goodwin as a herder. Mr. Florer has his wife and daughter there and Mr. Goodwin has his wife and little child there, but they are not in any employment. Those are the only white people we employ there, except that when we wish work done there are a class of white people in the reservation who get permits to come there and work, and when we want work done like building a corral we employ them to do it, or if we need a well dug we employ them to do it, or if we build a house we employ carpenters to do it; but they are not in general employment at all.

Q. Can you give any idea of how many there are of those people?—A. I do not know.

Q. Are there any cattle traders about there?—A. No, sir; not that I know of. There are some not very far from us. Mr. Pollock has a ranch 10 or 12 miles from there.

Q. And cowboys come in there to trade with you, do they not?—A. No, sir; I do not think one in a month.

Q. How many of these white people do you have trading with you compared with the traders at the agency proper?—A. I suppose that where we have one white person to trade with us they have forty to fifty at the agency.

Q. What do you have a herder for; do you keep cattle?—A. We keep cattle to kill for beef.

Q. For the agency?—A. Yes, sir; for the Indians. All do that. We have to have a herder of beef cattle, for we sell them, and we have to have a man to take charge of them. We buy cattle and bring them in from the States and herd them. In the summer we try to buy them and get the benefit of fattening them some. In the winter we kill them as soon as possible after getting them, in order to keep from feeding them on corn.

Q. This general order which has been issued, that cattle shall not be kept on the reservation by traders, does not apply to you gentlemen who have post-traderships and keep cattle, does it?—A. I never heard that it did. All I know is that it has always been the custom for the traders to sell beef to the Indians; that the Indians always bought beef and sold it to them.

Senator BLACKBURN. Every trader is required to keep beef cattle on hand for the supply of the Indian demand.

Q. There has been testimony here that there was an order of the Department prohibiting an Indian agent or trader from keeping cattle, as I understood it. That does not apply to simply what you keep to be butchered for the use of the Indians?—A. I never heard of that order, sir, until now. I do not know anything about what it applies to.

Senator BLACKBURN. This reservation was not included in that order, I suppose?

Senator CULLOM. I believe it was.

The WITNESS. I do not know what it applies to.

Q. It was stated here that a certain Indian agent was charged with violating the regulations of the Indian Bureau because he kept cattle down there about his reservation for speculation, and that that was one of the grounds perhaps on which he was not allowed a renewal.—A. My understanding was (from what I could catch only) that he had rented

some land and was pasturing some cattle down there. That we did not do. We simply kept beef cattle down there to sell; we did not raise cattle.

Q. How many cattle do you keep on hand for beef?—A. Since I have been down there we have been getting them at the rate of fifteen in a bunch, and the last time we got any we got thirty.

Q. You say this man Florer is now with you as your clerk, I believe?—A. Yes. He has been with me ever since I first went to the agency.

Q. Has he any interest in your store?—A. None whatever.

Q. Has he ever had any interest in it?—A. He never has.

Q. He has no contingent interest or otherwise, except his salary?—A. No, sir; only a salary of $1,500 a year.

Q. This Hominy Creek tradership is about how many miles from your post?—A. Distances in that country are guessed at not measured, and in locating the Hominy Creek store Hale & Phillips endeavored to locate it 25 miles from both places—the agency and Gray Horse.

Q. It was first located at some other place, was it not?—A. Yes, sir; it was first located some 15 or 18 miles from us.

Q. And you insisted it should be moved farther away?—A. Yes, sir; I objected to it, because I thought instead of putting it down where it would be convenient to trade with these Hominy Creek Indians, that he was putting it where he could catch all the Hominy Creek Indians when they attempted to go to the agency, and at the same time make a raid on those coming to Gray Horse. I did not think that was right, especially as General Atkins had asked me if the distance where they wanted to put that store, was not about the same distance from me and the same distance from the agency that Grey Horse was, and I had told him yes. And I told Hale that if the Commissioner authorized him to put the store there, with the explanation of any one that it was put that distance, that he ought to put it that distance.

Q. So he moved it farther along?—A. Yes, sir; he did.

Q. And got 30 miles farther from you?—A. No, sir; I think it is called 25 miles. I never have been there.

Q. And it was through your influence that it was pushed farther away from your place?—A. I objected to its being there. There was no quarrel. Hale said he did not want to put it where it could injure me, or where the Commissioner did not intend it to be. Hale & Phillips told me that they wanted to put it there if it was 25 miles from me. They contended it was 25 miles, but when they got the map and measured and found they were not that distance away, then they said they would locate at some other place farther off.

Q. I do not know but what it has been asked you already, but I will ask you again: Have you ever received any interest, directly or indirectly, for securing or aiding Brenner to secure a license to trade?—A. None in the world, or for any other man.

Q. Was there any promise made to pay you anything?—A. Never.

Q. So that you never have gotten anything out of it and never expect to get anything out of it?—A. No, sir; nothing whatever. I would like to make one statement of a matter that I omitted to refer to. You asked me a question if that $2,000 was not paid me for my services in procuring a license.

Senator CULLOM. I did not ask you such a question.

The WITNESS. When I was in Washington at the time that General Atkins was not willing to give what we wanted and I did not want to come out here, the morning that I thought the matter was at an end;

when I went back to the hotel I told Schiffbauer that I was out and would go back to Mississippi, but that I did not like to see him go back there empty-handed and disappointed; that I saw no reason why he should not have his store, and that I would try and help him get it if he would go to the Commissioner with me. At that time he made the remark, "If I do get it you will not suffer." I said to Schiffbauer, "Don't talk about that; I do not want anything; I am simply helping you."

Q. Where is Schiffbauer now?—A. He is here in Arkansas City, sick, I believe.

By Senator BLACKBURN:

Q. You were asked by the chairman about this man Florer, as to whether he was a man of good character, and you said he was.—A. In my opinion he is; yes, sir.

Q. Was he not a former trader at the agency?—A. For many years he was.

Q. Under the previous Administration?—A. Yes, sir.

Q. When did he cease to be a trader there?—A. In October, 1883, I think. My reason for thinking so is this: Florer sold, as I understand, to Mr. Davidson, and when he sold to Davidson he sold his good-will for three years for $1,500. General Upshaw sent me a copy of that agreement. The three years expired in October, 1886. I then applied to sell out to him; Schiffbauer and I wanted to sell out to him, but did not get any satisfaction from the Department about doing it.

Q. Then his license as a trader was not revoked, but he sold out himself?—A. Yes, sir.

Q. You tried to get a partial payment of the annuity of the Osage tribe of Indians made at Gray Horse?—A. I did.

Q. And the then agent approved of that request of yours?—A. He did.

Q. And you did not get it done?—A. No, sir.

Q. Then you and the agent, both put together, did not have influence enough to have that done?—A. It seems so; it was never done.

Q. Has there ever been any partial payment of the annuity made there?—A. We could not get that done, and I have been informed—Colonel White can tell you whether it is true—that an order has come that it is not going to be done.

Q. Was there ever, to your knowledge, any whole or partial payment of annuities made at Gray Horse since you have been there?—A. Never. They are all made at the agency. My reason for asking for this payment was this: If the traders at Osage would simply let the Indians come and go as they please, and trade where they want to, and use only legal or proper exertions to get them to trade with them, I had no objection to the payment being made at the agency and said so all the time. But all last year every now and then there would be Indians sent out or come out to Gray Horse during the time that payments would occur and raise the cry around Gray Horse, "Come in to payment," and the Indians would all come in to payment. Those that came in to the summer payment began to come in there in May before I left, and the payment was not made until July, but they were kept there a good while and great inducements were made to make them come in to the agency and camp around there before the payments were made, and to keep them there to trade after the payment was made. The idea was this: We had a card system and under our agreement a new credit was extended to the Indians immediately after payment, and their ob-

ject was to keep them in there a little while after the payment so that when their credit was good and a new one opened they would get the first lick at it, and during that summer they got a pretty heavy lick at the Gray Horse Indians.

In the fall before the fall payment the same thing was tried. Runners were sent out there (I do not know by whom) for the Indians to come in to a feast; that they were going to give them a feast; and immediately, in a few days, a payment would be made. Colonel David said that he had no intimation when the payment would be made, and did not know when it would be made. But it was all we could do at Gray Horse, and all that Florer and I could do at Osage, and all that the agent could do with the help of the governor of the tribe, to keep the Indians from going in there to payment, when there was not going to be any payment made. And in order to stop that I thought I would try to see if I could not get them paid where they were, and the agent indorsed that, not only for that reason, but he had this special reason for doing it, that when they all collected together there he could not prevent horse-racing and gambling, nor could he keep whisky out of the reservation. There were parties who brought whisky there regularly at the payment, and when the whole tribe were collected around the agency together he had great trouble about gambling and whisky-drinking, and he thought to disintegrate them and pay them at two places or three places, after the Hominy Creek store was established, was best for them.

In addition to this, my information is that under the old régime, when they were paid in provisions and supplies, not money, there were two other places besides the agency where those supplies were furnished. Right in the neighborhood of the Gray Horse store was a station where the supplies were sent, and when the Indians drew supplies instead of money the Government sent the supplies there and issued them from that point. And at Old Hominy Creek station, when the Hominy Creek store was another supply station, the Government shipped supplies and issued them from there. So that the Government, when they issued the supplies, did not seem to think that the Indians could come and haul them from the agency as the traders now seem to think they should do when they have to buy them themselves.

I repeated that to General Atkins, by the way, when he was talking to me about the Gray Horse and Hominy Creek stores, and especially when I first went on to Washington and asked for a license for Schiffbauer and myself, as a reason why that store ought not to be broken up. That, however, is entirely hearsay. I do not know that these supplies were shipped to those points; it is only general talk there.

Q. Now tell me this: Is it true that you have, because of any influence you have or are presumed to have with the Indian Bureau or the Interior Department, undertaken in anywise to manage the general traders' interest or affairs in this reservation beyond the conducting of your own business as formerly represented in the two stores that you had, and now in the one store?—A. I have not; and more than that, I have ever, in all my life, endeavored to attend to my own business properly and quietly and to let everybody else alone; and I never asked people so in my life to let me and my business alone as I have since I have been on that reservation, but it seems utterly impossible for them to do it.

By Senator CULLOM:

Q. You say you never tried so hard in your life to be let alone as since you have been on the reservation?—A. Yes, sir.

Q. You have a pretty good reason for that, have you not; all that you wanted was to be undisturbed at your post of trade was it not?—A. All I asked, sir, was to be allowed to quietly go on and attend to the business of the store that the Department had licensed me to run.

Q. And keep everybody else away?—A. I did not mean it in that light.

Q. Well, is not that a fair way to put it?—A. No, sir; I did not mean to keep everybody else away; I only mean that they should just allow us to go along harmoniously and peacefully, which they do not do at Osage at present.

Q. You have stated that when you heard that Mr. Hartley was applying for the privilege to come down there and trade you became indignant. You were struggling to be let alone and to keep him away from there when he wanted to come there, were you not? In other words, has it not been your purpose and power from the beginning to control that Gray Horse tradership and keep everybody else from having any interest in it excepting as you took in a partner?—A. It has been my purpose up to this time, and it has been my power, to have a license to trade at Gray Horse and to have only one store there, and it is my desire still.

Q. Of course it is, and you intend to keep it so if you can?—A. Yes, sir; if I can.

Q. That is exactly why I say you are struggling harder to be let alone now than you ever were in your life?—A. And I have been let alone up to the last few months.

Q. I never saw Mr. Hartley before, but he looks and acts like a gentleman, and I want to ask you a question right here: Did you regard it as an unreasonable thing for him when he felt that he could do better as a post trader out at the Big Hills than he could where he was, to try and get a license to go there; was that unreasonable in him?—A. I do not quite comprehend your question.

Q. I say do you believe that Mr. Hartley was unreasonable, thinking that he could do better in business if he could get a license to trade down at the Big Hill country than he was doing at the agency; was it unreasonable for him to ask for it?—A. If Mr. Hartley believed (as included in your question) that he could do better at Gray Horse, and simply desired a store down there because he felt he could do better, then it would not have been unreasonable. But I did not think then, and I do not think yet, that that was what he ought to have believed; I thought otherwise, and I think he ought to have thought otherwise, and believing that, I think that was not his intention.

Q. I believe you admit that you tried to get the Government to pay the annuities down at your store?—A. Yes, sir.

Q. How many of the Indians would get their annuities there; as many as four hundred and fifty?—A. I do not know, sir; the effort was to have five bands paid there.

Q. That would make probably four hundred and fifty Indians?—A. Well, there are seventeen bands in the reservation.

Q. You included those who were contiguous, did you not?—A. No, sir; not all of those. They were scattered some, and I asked for the payment of five bands there. There were seventeen bands of full-blood Indians in the reservation, and over four hundred half-breeds. I asked for the payment of five bands.

Q. You stated, I think, at some time during your examination, that there were four hundred and fifty who came there to trade. How much money would that amount to if there were four hundred and fifty of

them and they received $150 apiece?—A. They get $160 apiece—not quite $160, but about $158, I believe.

Q. So that they get in the neighborhood of $70,000 there every year?—A. Somewhere in that neighborhood.

Q. It is a matter of considerable interest to you as a trader, is it not, to have that $70,000 put down there at your store?—A. Yes, sir; it is a matter of considerable interest to me, and it would have increased the profits of my store. But, at the same time, I said publicly there after the effort had become known, I said it all the time, and I said it to General Upshaw at the time I applied, that if they would let the Indians come and go as they pleased, and simply offer inducements to them which were proper in the way of trade and in the way of goods to come and trade with them, I did not desire any payment out there, and was perfectly willing to have it remain as it was. But if they were to be continually pulled into the agency on the cry of "Come to payment," then I would like to have it made the other way.

Q. Was it the custom of those traders to announce to the Indians that there would be a payment on a given day when there would not be any?—A. I do not wish to say it was the custom of the traders, but it was done by somebody.

Q. The rumor would go out that they were going to pay the Indians at the agency at a given time, would it?—A. I will explain that in this way: Our payments are due there quarterly, the first of every three months, but they have never been paid since I have been there exactly on time. Right now there is a payment due us on the 1st of April which has not been made. The result of it is there are times when the Indians are waiting every day and hour the announcement from the agent to come in, and some Indian would come along and say, "Come in to payment," and they would go in and wait until the payment came.

Q. When a payment is made the Indian agent makes it?—A. Yes, sir; either the Indian agent or some special Indian agent.

Q. And if he had made it at your place he would come down there with the money to make it there?—A. He would come there with a check-book.

Q. They pay in checks, do they?—A. Yes, sir.

Q. So that, after all, the chief purpose you had was to build up your store, and keep everybody else from having one there?—A. The chief purpose I had was to protect my store.

Q. And build it up?—A. No, sir; I did not think it needed building up; it was to protect it in what it was legally entitled to.

Q. Do you know a man named West, a post-office inspector?—A. Yes, sir; William A. West; he is my brother-in-law.

Q. Did he have anything to do with getting a license for Hale & Phillips at Hominy Creek?—A. Nothing whatever, that I know of.

Q. He had nothing at all to do with it?—A. No, sir.

Q. Did he have anything to do with getting a license for you?—A. Nothing whatever.

Q. Or anybody else?—A. Nothing that I know of, except it might be proper for me to say that I understood that he recommended Mr. Brenner to come here to Kaw Agency. Mr. Brenner told me that West, among others, recommended him as a proper man to be appointed out here at Kaw Agency.

Q. Where is West now?—A. He is still a post-office inspector; I do not know where he is.

Q. You said awhile ago that you had only one other relative, I believe, in the Indian service. This man is in the postal service?—A. Yes, sir.

Q. Have you no other relatives in the service scattered around here?—A. No, sir.

Q. Or anywhere else?—A. Yes, sir; my father is in Washington City.

Q. But there are no others here?—A. No, sir; no others. I believe I stated that the superintendent of the Chilocca school here was my my cousin.

Q. So that there is the doctor, the superintendent of the school, and Mr. West who are relatives of yours in this neighborhood?—A. West is the chief inspector, and his office is right by Postmaster-General Vilas's office in the Post-Office Department at Washington.

Q. I supposed he was out here looking over post-offices.—A. No, sir. He has never been here that I know of.

TESTIMONY OF FRANK P. SCHIFFBAUER.

FRANK P. SCHIFFBAUER, having been duly sworn, was interrogated as follows:

By the CHAIRMAN:

Question. You are a brother of the Mr. Schiffbauer who was in partnership with Mr. Branham?—Answer. I am.

Q. Where is your brother?—A. He is at home here in this city.

Q. What is his condition?—A. He is quite unwell to-day, and was taken worse about 12 o'clock.

Q. Has he been sick long?—A. Yes; he has been sick seven weeks to-day.

Q. With what disease?—A. He has inflammation of the bowels and stomach.

Q. Has he been out of his room during that time?—A. Yes, sir; he has been out twice during that time to take a short ride, that is all.

Q. What is his condition to-day?—A. He is worse to-day than he has been for several days.

Q. Was his condition such that you were sent for?—A. Yes, sir; I had to go down to the house about 12 o'clock to-day and have just returned from there.

Q. Is he in a condition which would allow his testimony to be taken at present?—A. No, sir; not to-day, I do not think.

Q. Where is his regular physician?—A. His regular physician is away and I had another physician there to-day.

Senator BLACKBURN. I know of Mr. Schiffbauer's sickness, and do not think it is necessary to establish it further. I am satisfied he is not well enough to be here.

The CHAIRMAN. I wanted it to appear in the record.

Senator BLACKBURN. Let it appear as by agreement known to us; I am satisfied with that.

The CHAIRMAN. Very well; we are all satisfied he is too sick to appear.

TESTIMONY OF WELLER M. HUBBELL.

WELLER M. HUBBELL, having been duly sworn, was interrogated as follows:

By the CHAIRMAN:

Question. Where do you reside?—Answer. At present I am residing at Geuda Springs, Sumner County, Kansas.

Q. Is that near here?—A. Yes, sir; it is about 9 miles distant.
Q. Have you ever been an Indian trader?—A. Yes, sir; I have.
Q. At what place?—A. At the Cheyenne and Arapahoe Agency.
Q. By yourself or in partnership?—A. I was in partnership with Mr. Doty and Mr. Reynolds.
Q. What was the name of the firm?—A. Reynolds, Doty & Hubbell.
Q. Where was your tradership located?—A. The post-office is called Darlington. It is right at the Cheyenne and Arapahoe Agency.
Q. How long were you a trader?—A. Two years the last time. I had been a trader previous to that time.
Q. You were a member of the firm of Reynolds, Doty & Hubbell for two years?—A. We got our license in 1883 and were kicked out in 1885, about October.
Q. Your license, which expired in June, 1885, was not renewed?—A. No, sir.
Q. Did you make application for its renewal?—A. Yes, sir; we made application as usual about a month ahead of the time of its expiration.
Q. Who were traders at that agency?—A. At that time Hemphill & Woy and T. Connell.
Q. There were three traders there then?—A. Yes, sir; three stores.
Q. What was the amount of trade at that agency then?—A. The first year, or both years, we had about $65,000 worth of trade each year.
Q. What do you think the whole trade was there?—A. We had the smallest stock and the smallest store. The others, I think, did more than we did; I do not know that.
Q. That would then be from $180,000 to $200,000 of trade at that station?—A. Yes, sir.
Q. There was some trade, then, from the cattlemen, was there not?—A. Yes, sir; a good deal of trade came from them. We did not get much, however, except the Indian trade.
Q. Afterwards, when the cattle leases were cut off, the whole trade fell off there, I suppose?—A. Yes, sir.
Q. Did you make any effort to get your license renewed?—A. Yes, sir; I went home to Louisville, Ky.——
Q. Are you a Kentuckian?—A. Yes, sir. I went home about the last of June, 1885——
Q. Before you come to that I will ask you this question: What proportion of the trade there was from cattlemen and what proportion from the Indians?—A. I could not give you any opinion about that, as pretty nearly all our trade was from the Indians. The cattlemen dealt more largely with both of the other houses.
Q. What I wanted to get at was how much trade was cut off there by the cutting off of the cattle leases. Can you give an approximate estimate of that?—A. Well, the Indians at that time that were fed by the Government were supposed to be six thousand in number, but when they came to count them there were only thirty-six hundred of them.
Q. How much annuity did they get?—A. They did not get any money annuities at all; they got supplies.
Q. They got pay for their leases from the cattlemen?—A. Yes, sir; and they managed to sell ponies and got money in that way.
Q. Then we will drop that branch of the subject. Please state what efforts you made to get your license renewed.—A. I went home, as I was telling you, on a visit, and while I was gone the clerk that we left in charge telegraphed me that a man had come on there and claimed that he had a license and was going to run that agency there entirely, or something to that effect, and that we would have to get out.

Q. What man was it?—A. He did not mention the name. I waited for further developments, as I could not believe hardly that they would refuse to grant our license, and I was not very uneasy until I had a letter, along about the middle of July, I think it was, about the 20th maybe, that all the old licenses were to be revoked and new men were to be put in, and then I packed up and went to Washington to see what it all meant. When I arrived there I had an interview with Mr. Atkins, the Commissioner of Indian Affairs.

Q. Were you acquainted with him?—A. No, sir; but I was introduced to him by Mr. O. O. Stealey, of the Louisville Courier-Journal.

Q. What did he say?—A. He talked like he was going to make a clean sweep at the start. I staid there about a week and talked with him about every day, and brought in some recommendations and papers that I had gotten together.

Q. Did you inform him of your politics?—A. Yes, sir; I told him I was a good Democrat. One day when I was talking to him I told him I did not feel like going until I got a definite answer from him one way or the other, and he said, "Well, you can go home, and if I find there is business enough there for three traders we will give you the third tradership; at any rate," he says, "we do not intend to harm you, and you shall stay there long enough to get your business in shape and get out of it without any loss of money." That promise was made in the presence of Mr. Andrews, who was then appointment clerk in the office.

I went home feeling like I was in pretty good shape anyway, and we did not make any stir about it until along about the 1st of September, I think it was. However, previous to that, the Commissioner had extended the licenses of all the traders there until the 21st of October, without any particular application. That had been done before I reached Washington. But along in September there came a telegram from Acting Commissioner Upshaw to the agent about the matter. I may be wrong in some of these dates, for my memory is not very clear about it. But he telegraphed to the agent to know what steps Reynolds, Doty & Hubbell were making to get off the reservation. That was an astonisher to us after the promise that had been made. We had been looking for a license, or an extension, or something of the kind. We then wrote some letters to Washington, and we found that the Commissioner was off in the West here inspecting schools. However, I got track of him and I started to try and catch him before the 21st of October. This was along about the 1st of October. But I missed him. I went up to Halstead, where he had been to a school the day before, and found he had skipped for Arizona. So I missed him, and I had to wait until he got around to the agency. He did not get around there until after the time was up, and we could get no satisfaction from Washington; the word from there was that we had to get off promptly on the 21st.

By Senator BLACKBURN:

Q. Was that when your license expired?—A. No, sir; our license expired on the 10th of June previous to that. He granted all three stores an extension, at least two of them, and I think one store had their license until the following spring before it expired. But Hemphill & Woy and our house had licenses which expired about the same time, and he extended us until the 21st of October.

By the CHAIRMAN:

Q. Who were the persons whom he had appointed there?—A. Walter B. Barker and C. Y. Meeks. Barker I understood was from Mississippi, and Meeks was from Tennessee.

Q. Did you understand that Barker was a personal friend of the Secretary of the Interior and was appointed at his request, and that Meeks was a personal friend of the Commissioner of Indian Affairs?—A. Yes, sir; that was the understanding, and I think I heard Barker say that he was an old friend of Secretary Lamar's.

Q. Where were Barker and Meeks at that time?—A. Barker came along just before our time was up.

Q. Which came first, Barker or Meeks?—A. I have forgotten. Meeks had been there and staid quite a while along during the summer. Barker had made a trip or two down there and staid a few days and left.

Q. You knew that each one was licensed?—A. Yes, sir.

Q. Did Meeks make you any proposition in regard to business?—A. Well, he intimated that he would be willing to take in a partner who understood the business. We understood amongst ourselves that we could have gotten in with Meeks under his tradership license; that he was willing for that kind of thing to occur; I do not know whether the Department would have been or not.

Q. He either proposed to you or gave you to understand that if you would take him in and trade on his license it would be all right?—A. Yes, sir; we to furnish all the money and he to put in his license.

Q. You did not make that arrangement with him?—A. No, sir; we could not see any money in that business at that time. We had hopes of getting a license of our own, or having an extension so as to be able to work our goods off and get rid of our Indian goods.

Q. How much did Meeks want for the use of his license?—A. He did not make any definite proposition.

Q. But he proposed to put in his license and not any money?—A. He did not say anything about money. We did not encourage the idea much, from the fact that there were three of us in it anyway, and then again we had hopes, as I say, of getting an extension.

Q. And you did not know whether that proposition would be recognized by the Department, did you?—A. No, sir. If General Atkins had told us, right at the start, that we would have to leave there in October, we should have been better fixed for it; we were not expecting anything of the kind.

Q. Had you gone right along buying goods?—A. We bought the goods that were called for every day; we did not buy any fancy or unsalable goods while things were uncertain, but we had a fair stock.

Q. You came from Washington expecting from what General Atkins told you there that your license would be renewed or that you would have time enough to close up your business and get off without loss?—A. He told me that as plainly as a man could.

Q. Now how did you get out of the business?—A. Well, we sold our house to Barker.

Q. Was there any loss on it?—A. We sold it to him at a discount. We lost about $1,500 on the house, I think it was. I think it cost $4,000, and we got $2,500 for it, which we thought was doing pretty well. We found they were punching us, the time was up, and we had made no effort to reduce our stock materially, and we thought by standing in with Barker pretty well we could get him to take part of the stock off our hands, and we concluded it would be better to sell him the house and get out of it the best way we could.

Q. So you sold him the house for $2,500, while it had cost you $4,000. Did he take any of the goods?—A. Yes, sir; about a thousand dollars' worth of one or two lines, tinware, crockery, and such things.

Q. What did you do with the rest of your goods?—A. We shipped them up to Caldwell and kept them there for a while, and they are now in Colorado; we are trying to get rid of them yet.

Q. Were there collections due you there?—A. There was about thirty-three hundred dollars on our books.

Q. Have you collected any of that?—A. I do not think we have collected $200 of it.

Q. Taking the whole transaction, what was the result financially?—A. The result is that we are ten or twelve thousand dollars out by the transaction. So far as the firm was concerned it broke us up. There is one individual member of the firm who was a rich man, but Doty and myself are left perfectly flat.

Q. It stranded you?—A. Yes, sir.

Q. If you had known when you left Washington that you had to go out by the 21st of October, could you have made such arrangements as would have saved you this loss, or a considerable portion of it?—A. Yes, sir; we could have saved several thousand dollars. There were a great many ranches around through the Chickasaw country and down to the south and east of us to whom we could have sold large quantities of goods by putting them down in price, and of course we would have sold them at cost rather than to have carried them back to Kansas.

Q. How far did you have to carry them back to Caldwell?—A. About 110 miles.

Q. You feel that a promise was made to you which was not kept?—A. Yes, sir; it looked a little to me as though they wanted to get us in a corner there and get us in as bad a shape as possible.

By Senator CULLOM:

Q. Where was Barker when you were dickering with him about the sale?—A. I was not at the agency at that time. My partner made that deal with him. I was at Caldwell, knowing we had to get out, trying to secure a house to move the goods into, and attending to some other business. My partner made that deal himself. Caldwell is on the line west of here about 35 miles.

By the CHAIRMAN:

Q. Did you ever see the Commissioner afterwards about this matter?—A. He was at the agency, but at that time we had made the deal with Barker and I did not have much to say to him.

Q. Did you tell him about it?—A. Yes, sir; I told him about the way we had been treated. We had written the whole thing to him time and again.

Q. Did you tell him you were a Democrat then?—A. I do not remember that I did then.

Q. And that you had been in the Confederate service; don't you remember telling him that?—A. I believe I did.

Q. And didn't he say, "Why didn't you let me know that before?"—A. I do not remember his making that remark; he might have done it.

By Senator BLACKBURN:

Q. The Commissioner was never in the Confederate service, was he?—A. I was an ex-rebel, and still I held a license to trade for three years, from 1883 to 1885. I have been a Democrat and a rebel too, but I had a license under a Republican Administration to trade down there with the Indians for three years.

By the CHAIRMAN:

Q. And you thought if it was a good recommendation under a Republican Administration it ought to be under a Democratic Administration?—A. Yes, sir; it goes to show that they did not look at politics very much in those days. We were astonished when they commenced working this tradership business.

By Senator BLACKBURN:

Q. It looks as though the Commissioner did not pay much attention to politics either, when you told him you were a Democrat and he put you out anyhow.—A. Well, he had fixed it up to suit himself.

Q. How many traders are there at that place?—A. Only two now, I think.

Q. In reference to the effect had upon the bulk of the trade there by the removal of the cattlemen, is it not true that a good deal of your money that you got in your trade with the Indians the Indians had received from the cattlemen upon their leases of land?—A. Yes, sir.

Q. So that in order to measure the deduction which should be made from the bulk of the trade you would have to take that into account; not simply what the cattlemen traded, but the additional resources that were given to the Indians to trade by reason of the payments made by the cattlemen on these land leases?—A. Yes, sir; that is so.

Q. You say there were thought to be 6,000 Indians there?—A. Yes, sir; the number the Government issued rations to; but in counting them they only amounted to 3,600. That was in 1885.

Q. That was under this present Administration?—A. Yes, sir.

Q. So that under the preceding Republican Administration the Government used to issue rations regularly to 6,000 Indians, but when this Administration came in there were only 3,600 there; the balance had all died or run away?—A. Yes, sir.

Q. How could that have been done unless the agent on that reservation was in collusion with this effort to plunder and rob the Government?—A. The agent had nothing to do with it. It was impossible to count them except in the way it was done. They rounded them up with the military and got them in line.

Q. But the other Administration ought to hav edone that, hadn't it?—A. Philip Sheridan had to go down there with two or three regiments of troops to do it.

Q. But this Administration did do it and found there were only 3,600 Indians there instead of 6,000? —A. Yes, sir. The way that was done was, the Indians draw rations on check, or used to. Each head of a family carries a ticket issued the first of every month for the members of his family. If he has a child born he goes in and reports that as one added to his family, but if one of the family dies he makes no report of it.

Q. He makes no record of the dead?—A. No, sir.

Q. How long had this robbery been going on, the issuing of rations to 6,000 instead of 3,600 Indians?—A. I do not know; it was the first I knew they were issuing to so many when I saw an account of it in the papers at that time.

Q. Was it not the agent's business to know how many Indians he was issuing rations to?—A. Yes, sir; it looks like he ought to know, but then the agent could not go all over the country and count every Indian there; they never could get them all together at any time.

Q. This agent who came in 1885 found out how to do it?—A. It was Philip Sheridan who found out the number.

Q. But he did not find out until after General Atkins became Commissioner of Indian Affairs?—A. No, sir.

By the CHAIRMAN:

Q. They are wild Indians, are they?—A. Yes, sir; as wild as any of them.

The CHAIRMAN. All there is to it is, that when General Sheridan came there to gather the tribes in, they got 3,600 Indians together, but whether they got them all in or not nobody knows.

The WITNESS. There were probably thousands scattered outside. The Indians were all suspicious of anything of that kind, and you could not get them together.

By Senator CULLOM:

Q. As a matter of fact, the Government had tried by several means before to do that?—A. Yes, sir; and at one time they tried to do it by the aid of the military, but made a failure of it in some way.

By the CHAIRMAN:

Q. They were a class of Indians who went off on the war-path if they got a chance, and they were pretty difficult to count?—A. Yes, sir; they were perfectly wild. They were scattered for 200 miles up and down the Canadian and Wishita Rivers. They made a break there in 1885. The time of the Dull Knife raid was in 1878.

By Senator BLACKBURN:

Q. In 1885 were they engaged in any hostilities?—A. Nothing only a general plan.

Senator CULLOM. How did the soldiers happen to get down there?

Senator BLACKBURN. They made a threat that they were going on the war-path, but never went. [To the witness.] Did not General Atkins send Frank Armstrong, a special examiner of the Indian service, down there to inquire into the number of Indians there were, and was it not upon the report of that special examiner of the Indian Bureau that the military were called in and this count had, and it was found that instead of six thousand there were but thirty-six hundred Indians; is not that the record?—A. I was not there at the time; I was away.

Q. And Armstrong was there in person—sent there by the Indian Office?—A. I heard that he was.

Q. And he is the man who made the count?—A. Well, there was a difference in the views of the agent there and General Sheridan as to the plan to be taken about these leases. The agent was in favor of the leases going ahead, as they were not doing the Indians any harm, and they were getting a revenue out of them. Armstrong, when he first came there, coincided with the agent, and talked that way until Phil. Sheridan came there and told what he thought about it, that the leases ought to be canceled.

Q. Who was agent there, then?—A. Colonel Dyer; a very fine man if he was a Republican.

Q. When your license as Indian trader was first granted, was it not taken out in the name of Doty?—A. Yes, sir.

Q. You were trading under a license as a partner of Doty, without appearing in the license yourself, were you not?—A. No, sir.

Q. How was that?—A. The way it came about was, I applied for a license and Doty already had one, and Reynolds was a personal friend of both of us, and he found I was trying to get down there, and he wanted to get Doty down there to trade, and he proposed that I should

go in with Doty and himself and share the profits and go down there (I had had some experience in the business and Doty had not), and we would run the thing as Reynolds, Doty & Hubbell.

Q. You had some capital, had you not?—A. No, sir; not much then.

Q. Did Doty have any capital?—A. No, sir; Reynolds put up the most of the money, and we were to run the business.

Q. Then Reynolds was to put up the money against Doty's license?—A. Yes, sir.

Q. It seems that that practice had been reaching back a long way?—A. Well, he was the financial partner of the concern, and the license was issued in the name of Reynolds, Doty & Hubbell; we never did any business under Doty's license.

By Senator CULLOM:

Q. The license was issued to the firm before you did business at all?—A. Yes, sir.

By Senator BLACKBURN:

Q. Doty held a license of his own, did he not?—A. Yes, sir; he got it the year previous.

Q. At his request that license was canceled and one was issued in lieu of it to Reynolds, Doty & Hubbell?—A. No, sir; I do not think he requested anything. I went into the agent's office and told him how it was, and he suggested that we had better take out a firm license.

Q. Doty had a license to trade at Darlington in his own right?—A. Yes, sir.

Q. And you and Doty and Reynolds agreed that you would go in together, and that Reynolds would put up the money, and instead of going on under Doty's license, at the suggestion of the agent, you gave up that license and took one in the name of the firm of Reynolds, Doty & Hubbell?—A. The agent said we would have to do it; it was not Doty's suggestion nor mine.

By the CHAIRMAN:

Q. So that, in fact, no business was done by the three members of the firm under the Doty license?—A. No, sir.

By Senator CULLOM:

Q. Was any business done at all under the Doty license by anybody?—A. No, sir. I had in an application and they were on the point of granting me a license on my own account.

By Senator BLACKBURN:

Q. When Reynolds made this proposal?—A. Yes, sir.

Q. You say that Meeks came down there. He had been licensed by this Administration by Commissioner Atkins, and he came there, and I understand he did not make any direct proposition as to how much money he wanted, but he intimated enough to let you all understand that he was willing to put in his license and let you all do business with him?—A. Yes, sir; that was the understanding.

Q. You did not accept that proposition?—A. No, sir.

Q. Did he not get another man to accept it and go in with him on those terms?—A. He went in with another man, Mr. Hays, but I do not know on what terms.

Q. How long did he and Hays continue in business?—A. They dissolved recently.

Q. Did not Hays furnish the money and Meeks the license?—A. I do not know what the arrangement was. Mr. Hays is here and can tell you.

Q. Was not Meeks's license revoked about that time by telegraph?—A. I understood it was.

Q. Had there not been a man named Connell down there trading as an Indian trader?—A. Yes, sir.

Q. Before that time—before 1885?—A. Yes, sir; and up to 1885.

Q. Was not Hays and some gentleman, who subsequently went into partnership with Meeks, a partner of Connell's?—A. I understood so.

Q. Was it not the general understanding that Hays furnished the money in that case and Connell furnished the license?—A. I heard so; I do not know whether it was so or not.

Q. Was not that the general belief there?—A. Yes, sir.

Q. Was it not the general belief that Connell had no capital invested in that partnership of his and Hays's?—A. I cannot say that; it was generally understood that Hays had most of the money in there.

Q. Did not Hays claim that Connell had swindled him out of $40,000 or $50,000 in that transaction?—A. I heard that he did; I cannot remember that he ever told me anything of it.

Q. You heard that expressions as the opinion, then?—A. Yes, sir; but then it might be wrong.

Q. Was it, or was it not, generally understood there that, in point of fact, Hays had Connell at work there for him under his own (Connell's) license, at a salary, and did not Connell refuse to turn over the profits and property to Hays?—A. They had a difficulty in settling up; I never understood exactly how it was. They both had licenses for the last year they were in business.

Q. But before that time Hays had none. Now, about these buildings of yours; you say they cost $4,000?—A. That is my recollection; somewhere in that neighborhood.

Q. Did not the firm tell Barker, at the time the sale was being negotiated to him, of these buildings, that the cost was $3,500?—A. I never told him so. It was more than that, I know. It was something near $3,800 to $4,000; that is my recollection about it.

Q. You say Barker took about $1,000 worth of your stock off your hands?—A. That is so.

Q. What method of valuation did you adopt?—A. I think he took it at cost and carriage; I am not sure about that; maybe there was a discount on it. That trade was made with my partner also after I had left.

Q. Who was Barker's clerk?—A. I understood Mr. Charles was clerking for him after I left there.

Q. Did he not buy some of your buildings too; didn't your firm sell $4,000 worth of buildings instead of $2,500 worth?—A. That was my individual business—my dwelling house. I sold my residence, that cost me $700 or $800, for about $500, to Barker or his clerk.

Q. What was the value, the invoice value, of your stock of goods on the 10th of October, 1885, approximately?—A. I can tell you what it invoiced at after we got it to Caldwell, but at that time I cannot say. After we had got it to Caldwell and weeded out some of it and shipped a little bill of drugs to a party down in Wichita, &c., it amounted to about $8,000, after knocking off all the extra expenses and cutting down the damaged goods.

Q. Your license expired on the 10th of June, 1885, did it?—A. Yes, sir.

Q. When did you close up your business there?—A. After we made the trade with Barker they extended us from the 21st of October until

we got ready to move in, which was probably two or three weeks afterwards.

Q. That would be in November?—A. Yes, sir; some time in November.

Q. Did you close out and remove your stock of goods from the reservation as early as the month of November, 1885?—A. Yes, sir; we moved out in November.

By the CHAIRMAN:

Q. After you made the trade with Barker, you were selling your own goods, so far as you had an opportunity to sell them, up to the time you left, except those you sold to Barker?—A. Yes, sir.

By Senator BLACKBURN:

Q. Did you move out as soon as Barker commenced business there?—A. Yes, sir, and before, I think. I was not there, but I think the boys went right to work packing up.

Q. You think that was in November, two or three weeks after this 21st of October?—A. Yes, sir; and we had figured on having at least six months to wind up our business there according to the promises the Commissioner had made me in Washington, even if he did not give me a license.

Q. About that telegram sent by General Upshaw fixing the 21st of October for you to close up there. Was that a peremptory order for you to close by that date, or was it a telegram of inquiry as to what if any preparations you were making to close up by that time?—A. It was worded something like this: "What preparations are Reynolds, Doty & Hubbell making to get off the reservation?" That is about the way the thing was worded.

Q. And there was an extension of a few weeks given after that?—A. Not until after we had consented to sell our buildings to Mr. Barker. I always thought that Barker got the extension for us; we asked him to, and he said he would.

By the CHAIRMAN:

Q. Do you think this system of having licenses expire every year is a good system?—A. No, sir; it is very bad, unless they run it as they did in old times and renew the license of every man of good moral character who is in business there. It is liable to break any of them up to have their license revoked.

Q. You think it is a pretty hard thing for a man who is in that trade to get out of it, do you not?—A. Yes, sir; you accumulate a class of goods that you cannot sell anywhere else. We are trying to work off our old stock in Colorado, in the mining towns.

Q. And so far as the new trader is concerned he can take your goods and give what he pleases for them?—A. Yes, sir. Mr. Doty informed me that he offered to sell our groceries and such things as that to Mr. Barker for Saint Louis prices and 10 per cent. off, but he would not take them, and we had to cart them back to Caldwell. A cent or two a pound on sugar for freight is quite an item.

Q. What better law do you think could be made with reference to these licenses? You would not expect a law which would allow a man to remain there always?—A. No, sir.

Q. Well what would you suggest?—A. I should say that the old law was pretty good as it was carried out. Under that any man of good character could get a license to trade down there, and could put up a bond and get the recommendation of the agent; that was all that was required when I went there. A great many licenses were taken out in

that way. Parties would come around and see if there was any opening, and if there was they would start in, and if not they would go off. That thing will regulate itself pretty well if left alone.

Q. Now we have a Democratic Administration, and we will suppose at the end of four years there should be a Republican Administration, and then if Republicans were put in in the place of the Democrats who are now in, would there not be the same losses as in your and other cases?—A. Yes, sir.

Q. It is a bad system, you think?—A. Yes, sir, it is a bad system; a man is foolish to go down there and trade upon any such terms.

Q. Suppose licenses were issued for a period of five or six years so as to run past the date of the Presidential election ordinarily, and there was an arrangement or requirement that if the new-comer could not agree with his predecessor as to the price to be paid for the goods on hand, there should be an arbitration, and he should take the goods at an appraised value; what do you think of such a plan?—A. That is the way I would have it fixed if I had the arrangement of it. They have such a regulation in the military department, and they have no such trouble as this.

Q. You mean for post traders?—A. Yes, sir; for post traders.

Q. If the new post trader comes he has to take the old goods at such an appraised valuation?—A. Yes, sir; and if the two parties cannot agree, a council of the post is called in to fix the value.

Q. You think that would be a better regulation for the Indian service?—A. Yes, sir; I think it would be a great deal better.

Q. It would not be so much a matter of financial life or death to the trader, then, whether a change was made or not?—A. No, sir.

By Senator BLACKBURN:

Q. Is not the result of such a practice in the Army as to post traders this: That the same post traders stay there all the time?—A. No, not necessarily; for they sell out. Jake Evans, down at Fort Reno, is the only one who has held on to his post tradership, that I know of.

By the CHAIRMAN:

Q. Why should not a trader continue to hold his place as long as he is efficient in his business and a man of good moral character; why should he be turned out?—A. I do not see any reason for it.

Senator BLACKBURN. Because they all get rich, and we want to give the other fellows a chance.

The WITNESS. They are subject to the will of the officers there at any time.

Senator BLACKBURN. You mean subject to the orders of the military officers?

The WITNESS. Yes, sir; if the post trader is not doing right they can put him out and have his license revoked.

The CHAIRMAN. And then there is an arrangement so that he can get a fair valuation for his property. If it is shop-worn it simply goes for what it is worth?

The WITNESS. Yes; that is the case.

The select committee then adjourned until Thursday, May 12, 1887, at 9.30 o'clock a. m.

ARKANSAS CITY, KANS.,
Thursday, May 12, 1887.

The select committee met at 9.30 o'clock a. m., pursuant to adjournment.

TESTIMONY OF FRANK LABADIE, Sr.

FRANK LABADIE, Sr., having been duly sworn, was interrogated as follows:

By the CHAIRMAN:

Question. You were at one time a trader at Osage, were you not?—Answer. Yes, sir.

Q. You have some Indian blood?—A. Yes, sir.

Q. How much of a store did you have there at Osage?—A. I did not run a regular store; I kept a restaurant, and in addition to that I was obliged to keep confectionery, canned fruits, and fancy goods.

Q. It was not a large store?—A. No, sir; it was a small store.

Q. How long had you had that tradership?—A. The first license I got was, I think, in 1884; in 1883 or 1884.

Q. Did you retain that one year or two years?—A. One year: I only ran under a license one year.

Q. Did you try to get that license renewed?—A. Yes, sir.

Q. What did you do towards getting it renewed?—A. I made my application, filed my bond, and got the agent to approve of it and to forward it on to Washington for me.

Q. Who was Commissioner of Indian Affairs at that time?—A. I believe the last time it was Commissioner Atkins.

Q. What did you hear from your application?—A. I never heard from it.

Q. Did you receive no answer at all?—A. No, sir.

Q. Did you write again about it?—A. Yes, sir; I got Mr. David, the agent, to write and indorse the letter, and I got Mr. Robinson also to indorse the letter for me.

Q. You mean after you had sent on the bond?—A. Yes, sir.

Q. Mr. David was the agent?—A. Yes, sir.

Q. Who was the agent who indorsed your application?—A. Mr. Miles.

Q. There was never any attention paid to it whatever?—A. None that I know of. I asked Mr. Miles when he went to Washington if he would see the Commissioner and ask him something about it, and I believe Mr. Miles told me that he had said something to the Commissioner about it, and that they would see into it, or something of that kind; but I never heard anything more from it.

Q. You never had any communication from the Indian Office at all in reply to your application for a renewal of your license?—A. No, sir.

Q. And you were never informed by the agent that it would not be renewed?—A. No, sir.

Q. You got no explanation of it in any way?—A. I saw Mr. Atkins last fall when he was at the agency and asked him about it, and he said he was not aware of my application for a license being there. I told him that it was; that it had been sent to Washington, and he said that whenever he returned to Washington he would attend to it, and if he should forget or neglect it for me to write and put him in mind of it. That is the reason I wrote this letter and had Mr. David and Mr. Robinson indorse it.

Q. That was afterwards, and he said when you told him that he had never known you had made application?—A. Yes, sir.

Q. What did you do with your little-stock of goods?—A. What little stock of goods I had left we used up in the restaurant on the table; that is, the canned fruits, such as we could use.

Q. You think at least you ought to have had some attention paid to your application?—A. Yes, sir.

Q. Were you on good terms with the Indians?—A. Yes, sir.

Q. You speak their language?—A. A little.

Q. Did you keep up your restaurant?—A. I have it yet.

Q. You got a permit for that?—A. I do not know—not for that. I do my own work.

Q. I suppose your trade was not large?—A. No, sir.

Q. How much did it amount to?—A. The Indian trade don't amount to anything, only at my table, in the trade for the goods; it was more of a transit trade than anything else. All the trade I have from the Indians is mostly at my table—my own labor.

By Senator BLACKBURN:

Q. Was this license of yours a license as an Indian trader?—A. I do not recollect; I did not fetch the license with me, but I have it. "Licensed trader," I believe, is at the head of the license.

By the CHAIRMAN:

Q. It was one for which you had to give a bond?—A. Yes, sir.

By Senator BLACKBURN:

Q. How much stock did you have on hand when your license expired?—A. I had very little stock on hand at that time.

Q. Can you give us an idea of what its value was?—A. I had no stock on hand to amount to anything, except some few canned goods. I dealt only on a very small scale. I did not consider myself on a footing with Indian traders.

Q. Give us an idea about it if you can.—A. Probably I may have had $25 or $30 worth of canned goods on hand.

Q. That was all the stock you had on hand?—A. Yes, sir.

By the CHAIRMAN:

Q. You were not interfering at all with the traders?—A. No, sir; not at all. When I made my application it was not my intention to do so, and it is not yet. I guess the traders can all speak on that point.

Q. The point of your complaint is that no attention was paid to your application?—A. Yes, sir; that is what I complain about.

TESTIMONY OF DAVID HAYS.

DAVID HAYS, having been duly sworn, was interrogated as follows:

By the CHAIRMAN:

Question. You have been an Indian trader at Darlington, Ind. T., have you not?—Answer. Yes, sir.

Q. That is in the Cheyenne and Arapahoe Reservation?—A. Yes, sir.

Q. Did your license expire in 1885, or did you have to have it renewed in 1885?—A. Yes, sir; it expired in 1885.

Q. Was it renewed?—A. No, sir; not individually, it was not renewed.

Q. Do you know Mr. Meeks?—A. Yes, sir.

Q. Did he come there with a license?—A. Yes, sir; so he informed me, that he came there with a license.

Q. Did you make some arrangement with him to trade?—A. I did.

Q. State what it was?—A. I was to pay him a certain sum.

Q. For the use of his license?—A. Well, we had a license jointly. Meeks surrendered his individual license.

Q. And you took a license jointly?—A. Yes, sir.

Q. Did he put in any money?—A. No, sir.

Q. Did he stay there at the store himself?—A. He was there a little of the time.

Q. What were you to pay Mr. Meeks?—A. The total was at the rate of $2,000 per annum.

Q. He putting in no money, but a license being obtained for Hays & Meeks?—A. Yes, sir.

Q. He had an individual license when he came there, as he said?—A. Yes, sir.

Q. Did you pay him anything under that arrangement you made with him?—A. Yes, sir; I paid him.

Q. How much money did you pay him?—A. I paid him about $1,000, I think.

Q. How was it to be paid, in quarterly installments?—A. It was to be paid each month; some of it in advance, and some of it each month.

Q. How much did you pay him down?—A. I think it was $250 that I paid him down.

Q. The license was finally canceled, was it not?—A. No, sir; it was not canceled to my knowledge. You refer to the Meeks & Hays joint license?

The CHAIRMAN. Yes.

The WITNESS. No, sir; it is not canceled.

Q. It expired, then?—A. It expired, and a renewal was refused to either one of us, or to both of us.

Q. You were to pay him $2,000 for a year's license?—A. Yes, sir.

Q. And you only made a payment of $1,000 on that?—A. I paid him $1,000, and then made some other arrangement with him.

Q. Did he assist in the store at all?—A. For a little while he did; yes, sir.

Q. And then went away?—A. Yes, sir.

Q. Where did he go to?—A. He went back home, I understood.

Q. He went to his home in Tennessee?—A. Yes, sir.

Q. Do you know what town in Tennessee he was from?—A. Yes, sir.

Q. From what place did he come?—A. He came from Sardis, Tenn.

Q. In your negotiations with him did you learn whether he had any money to put in at all?—A. Well, from the general conversation I had with him I inferred that he had not any.

Q. He never claimed to have any money?—A. He claimed that he had the promise of money, but owing to circumstances changing, the circumstances existing at the time the promise was made, he either could not get it or there was some doubt about his getting it; I am not positive which he said.

Q. There was no arrangement that he was to pay any money at any time, was there?—A. Yes, sir.

Q. What was that arrangement?—At the time that we changed this $2,000 a year arrangement, I sold out to him, and he was then to pay $4,000 cash.

Q. I do not care to go into that matter as to how you got out of it, but simply to learn what the arrangement was between you at the start; how long did you continue under the arrangement to pay him $2,000 for his license?—A. It was six months, up to the time that we made a different arrangement.

By Senator BLACKBURN:

Q. Had you been trading before that time at that place?—A. I had not myself, personally.

Q. Had you been interested in a trading store previous to that time?—A. Yes, sir; I had a store there.

Q. With whom?—A. With Mr. Connell.

Q. When did that business begin?—A. I believe that began in 1881 or 1882.

Q. Did you continue that business, the partnership business of yourself and Connell, from 1881 or 1882, on until 1885?—A. Yes, sir.

Q. It continued until you went in with Mr. Meeks?—A. Yes, sir.

Q. Upon what terms did you and Connell do business there from 1881 or 1882 onward; did you and he have a joint license?—A. No, sir.

Q. Who held the license?—A. The biggest part of the time Connell had the license, and the last year we each had a license.

Q. Then what business you did there from 1881 or 1882 on was done under a license held solely by Connell; that is, until the last year of your association in business with him, when each of you had a license?—A. Yes, sir.

Q. Did you ever open a store there on your license?—A. No, sir.

Q. All that business of yours was done under the license that Connell held individually?—A. Yes, sir.

Q. Who was Commissioner of Indian Affairs at the time Connell got that license under which you did business?—A. Mr. Price.

Q. Did Connell have any money?—A. No, sir.

Q. Did he ever put a dollar into that business?—A. No, sir.

Q. Was he not, and had he not been for some time before that, supported by charity; at the time that he got his license from Commissioner Price was he not supported by charity in the town in which you and he lived?—A. Well, he had been sick and was not able to do anything or make any money, having a family on hand, and some of his friends assisted him.

Q. Yourself among the number, is it not so?—A. Not necessarily, for I am not speaking of myself.

Q. What were the terms on which you and Connell went into partnership; what was he to get and what was he to furnish?—A. Connell was to act as a clerk.

Q. He was to act as your clerk and to furnish the license?—A. Yes, sir; and it was so agreed in writing.

Q. You had a written contract with him?—A. Yes, sir; I had.

Q. What were you to pay him?—A. He had the privilege of taking out $100 a month from the sales, and one-third of the profits over and above the expenses and interest on the money.

Q. Was this $100 a month salary to be deducted from his one-third interest?—A. Yes, sir.

Q. And you were to furnish all the money or capital?—A. Yes, sir; to furnish all the money and be responsible for all transactions. All goods were bought in my name exclusively, or were to be bought in my name.

Q. Then the contract between you and Connell was, that he was to furnish the license and stay there as a clerk, and you were to give him one-third of the net profits; you furnishing all the capital, and he to have one-third of the net profits, from which was to be deducted $100 a month, which he was authorized to take out of the sales?—A. In regard to his furnishing the license, if I understand you that that was the consideration, it was not exactly it.

Q. Well, how was it?—A. As far as his furnishing the license was concerned that would not have been any consideration. But I was under the impression at that time that for a man to have a license to trade in the Indian Territory he must be there himself and live there. Afterwards I found out I was mistaken, and as Connell's intention was, and our agreement was, that he should manage the business, as I was running a number of branch houses in that State, one at Wellington and one at Winfield, where I managed the business alone and made that as a branch house there; as he was to manage it under those circumstances I had the license placed in his name.

Q. Did you get the license for him?—A. I had a good deal to do with the getting of it.

Q. You helped him to get the license?—A. Yes, sir; that is, some of my friends did it to favor me and help him. I did not do it particularly, so far as that is concerned, and did not help get it perhaps so much as he did.

Q. He was the holder of the license, and your name was not in it during those years that you did business with him, you furnishing all the capital and paying him this salary?—A. Yes, sir.

By the CHAIRMAN:

Q. You bought all the goods in your own name?—A. Yes, sir; I did. After I got into it, to the extent of about $70,000, I wanted to have my name in it, and I then found it was not absolutely necessary for me to live there. But he refused to have my name put in, and I put my name in then in the renewal license.

By Senator BLACKBURN:

Q. Connell refused to allow your name to go in with his in the license?—A. Yes, sir.

Q. And then did you not make application to Commissioner Price for a license, to protect yourself against Connell?—A. Yes, sir.

Q. And did he not refuse to give it to you?—A. I was so informed.

Q. Were the facts in the case, as to the terms and conditions upon which you and Connell were dealing, placed before the Commissioner of Indian Affairs, Mr. Price? Did he know that you were furnishing all the capital and this man was being paid a salary under a written contract between you?—A. From the report I got in regard to my application I must infer that he knew it; yes, sir.

Q. That business between you and Connell terminated at what time?—A. I think I took possession in November, 1885.

Q. It ran from 1881 or 1882 up to November, 1885?—A. Yes, sir.

Q. Who put you in possession?—A. I just took possession.

Q. Hadn't you made application to Commissioner Price to be put in possession?—A. Perhaps the deputy United States attorney for Kansas was there in my behalf, and perhaps he is entitled to the main credit of getting possession.

Q. Did not Connell take possession of all the goods and stock you had there, and claim to control it in his own right, and refuse you possession of it?—A. Yes, sir.

Q. Did you appeal to the courts for it?—A. There were no courts I could reach to appeal to.

Q. Did you have any suit with him? Was there not a suit instituted in the court here to determine the question as to whether he had any interest in that stock of goods?—A. Oh, yes, sir; there have been several suits.

Q. And was it not always decided that he had no interest in it?—A. The court decided that he was merely a clerk and had no title or interest in any of the goods, buildings, or property; that it was my personal property; and since then other cases have been decided in the same way. But what I meant was, there was no law I could reach to put me in possession of the property there.

Q. Your only chance of redress was through the Indian Office in Washington?—A. Yes, sir.

Q. And you tried to get redress in that way and could not get it under Commissioner Price?—A. Yes, sir.

Q. How did you come out of that partnership arrangement between you and Connell that ran from 1881 or 1882 down to 1885? Did you make money out of that venture?—A. No, sir.

Q. How much did you lose?—A. I know about the amount of business done there, and I know about the profits made there, and as near as I can estimate I suppose my loss could not be much less than $100,000.

Q. Under that Connell partnership?—A. Yes, sir. I know the amount of goods I purchased, and I know the amount of profits made there and what the expenses were, and I know that my loss must have been at least $100,000.

Q. That was not on account of lack of trade?—A. No, sir; the trade was enormous and the profits were enormous. The profits on hides were equally as great as on merchandise, and for several years the trade amounted to the neighborhood of $100,000. There were very few goods sold at less than 50 per cent. profit, and from that up to 100 per cent.

By the CHAIRMAN:

Q. But you did not get it?—A. No, sir.

By Senator BLACKBURN:

Q. Did you make complaint to the Office of Indian Affairs under this Administration—I mean since the spring of 1885—and ask that you be given possession of the books which had been denied to you by Connell?—A. Yes, sir.

Q. Did they give them to you? Did General Atkins or General Upshaw put you in possession of the books of the firm?—A. Each one said they would, and General Atkins finally gave me a written order for the books to be turned over to me. But the Department has still got them, and I am still wanting them.

Q. The Department has them now?—A. Yes, sir.

Q. They took them away from Connell, did they?—A. Yes, sir. If you wish, I will explain that matter to you.

Q. I think you had better do so.—A. After a stormy time in getting possession of the goods that were there in the building, when I came in the morning into the store (this was after I had gotten possession), the safe and everything I found had been ransacked and the books were gone, and I was informed that Connell had got in there in the morning before I came and had gone through the safe, and so on, and carried off the books.

Previous to that time I was in Washington, in July, 1885, I think it was, when Commissioner Atkins was absent and General Upshaw was

acting Commissioner. I explained to the general my relations with Connell, the difficulties I had had with him, and showed him the papers, contracts, &c. General Upshaw appeared to take great interest in it, and seemed to be anxious to do all he could for me, and he went and examined the contract very closely, and had his attorney, the attorney belonging to the Department, examine it, and expressed the opinion that there was no question about it and that all that property was mine. He also gave me some advice in regard to getting possession of it, and said if I did not get possession to let him know and he would put me in possession.

Then after Connell took these books away I went to Washington again, and again took the papers, &c., and laid them before Commissioner Atkins, who investigated them and came to the same conclusion, that these books were my personal property solely, and gave me an order to the agent, or the then acting agent, Captain Lee. I went there and presented this order to Captain Lee, that Connell should turn over those books to me, and when I presented the order to him he became indignant to think that a civilian should be the bearer of an official order to him, and the result was that he received the books of Connell and kept them and said he would communicate further with the Department.

About this time, however, Connell and I had an agreement, as a compromise, that the books should remain there with the agent until a certain time. This was in January, I think, and we agreed that the books should remain with the agent until May, and we should both try and see what we could collect, urge all the collections we could, and Captain Lee appointed his chief clerk as treasurer to receive all moneys collected, and it was agreed that the money should be turned over to him. There was no objection to this by Connell. It was also agreed that on the 1st of May he should select a man, and I should select a man, who should then arbitrate a final settlement between us. We both agreed to that. It was provided that if those two persons who were selected could not agree, then they should select a third man to decide it; not in regard to the question of the books, but in regard to what he might owe me or I owe him.

However, Connell never appointed or selected a man to act on his behalf, and I could not get him to appoint one. The agent down there urged him to do so, but he never could get him to make the appointment. We came up there in the office frequently, and tried to get him to carry out the compromise, but each time he had some excuse, that he wanted to get off a telegraphic dispatch, or something of the kind, and so nothing has been done, and the books are still there in the office, and I am still appealing for them.

Q. In whose custody are the books at present?—A. They are in the custody of the agent at Darlington. I am informed by attorneys that there is no law by which you can reach them there. I brought suit against Connell for a settlement, but on account of an error that the sheriff made in serving the papers (he dated them wrong) why he fought the case, and beat the case.

Q. Did Meeks take any advantage of you, or swindle or rob you, in your dealings with him, whilst you were in partnership?—A. No, sir.

Q. Then the difference in your experience with Meeks and Connell was about this, was it not, that Connell did rob you and Meeks did not?—A. Well, I do not mean to convey the idea that I approve the management by the Indian Department of Indian traders; the fact is I do not approve of it.

Q. I think it might be better in very many respects.—A. I did not approve of it at all; but if I must be frank and honest about it, why Meeks was my savior.

By the CHAIRMAN:

Q. You were in Washington in July?—A. Yes, sir.

Q. Was it in July, 1885, or in July, 1886, when you had this talk about the books; was it last July, or a year ago last July?—A. Do you mean the last talk I had about the books? That was in December, 1886.

Q. But you said you were there and had an interview with General Upshaw?—A. Yes, sir; that was in 1885.

Q. When did your arrangement with Meeks begin?—A. It began in November, 1885.

Q. Had your arrangement with Meeks commenced at the time you were talking with General Upshaw and with Commissioner Atkins about being put in possession of the books?—A. The arrangement had not commenced at the time I had the talk with General Upshaw, but it had commenced at the time when I had the talk with Commissioner Atkins.

Q. Did either General Upshaw or Commissioner Atkins ever know of the arrangement which you had made with Meeks, so far as you know; did you tell them?—A. No, sir.

Q. This controversy about the books was not concluded at Washington until after Meeks was in with you, was it?—A. No, sir.

Q. Did they or not, either of them, ask you what your arrangement with Meeks was?—A. No, sir.

Q. Do you know whether they ever learned the nature of the bargain which you had made with Meeks?—A. Yes, sir; they did learn in regard to it.

Q. When?—A. I think it was in July, 1886.

Q. How did they learn it?—A. Meeks informed them of it himself.

Q. Did they communicate with him and ask him about it?—A. They requested the agent to ask him.

Q. Who was the agent?—A. Captain Lee, of the United States Army, was the acting agent.

Q. What was the nature of that order, do you remember?—A. As near as I can remember, the telegram to Captain Lee stated that serious insinuations had been made to the Senate committee that Meeks had used his license to obtain a clerkship from Hays. And it said that "You will use all legitimate means to ascertain the fact, and if it is found to be so, immediate action will be had, or taken, in regard to it." That is about the substance of it. Captain Lee came to me and showed it to me and wanted to know what I had to say. I told him, judging from that dispatch, that I was not the one to be investigated, but that it was Meeks; that he might go and see Meeks or I would see him again. Meeks was right there, and told him all about the arrangement; that he had a written contract, and was ready to produce it whenever he wished to see it; that he considered his transactions were perfectly legitimate, and that he never aimed to sell anything; and he did produce the contract, and Captain Lee informed me that he so reported to the Department.

Q. And he forwarded the contract to the Department?—A. He either forwarded it or reported the substance of it. The contract of itself was so drawn up (and it was dictated by Meeks; I had nothing to say about it) that it made it a public thing of itself. The conditions were that I was to pay him so much, and that I must buy all goods in my

own name and inform the parties that he was not responsible, and that I must also inform the clerks that I alone was responsible for their wages, and that he was not responsible to them.

Q. What time was this investigation made?—A. I think it was in July, 1886.

Q. When did the license expire?—A. The license expired in December; I think it was the 17th of December. In September I was informed by the Department that owing to the manner in which I had managed my affairs in the Indian Territory no license would be granted either to me or to Mr. Meeks under any circumstances.

Q. You mean after the expiration of your license?—A. Yes, sir; and that they were in hopes I would vacate as speedily as possible. That was the substance of it.

Q. About when was it that a change in the arrangement between you and Meeks was made?—A. I think it was either in May or June.

Q. Who took your place; did you sell out to anyone?—A. Yes, sir.

Q. To whom?—A. The license is in the name of Settle & Caldwell.

Q. You sold out to them?—A. Yes, sir.

Q. Now, in regard to this Connell controversy. He claimed that he was a partner and as much entitled to the possession of the books and goods as you were, did he not?—A. He never made any such statement. The substance of his statement was that a good many people in the Indian Territory have vast wealth and own a great deal of property, and yet could not control it or get possession of it. I do not know that he ever claimed it in that way. If he made any pretext why he claimed it, it would be about on the style, as near as I can remember, that in the Indian Territory there were a good many people who had considerable money invested and yet could not claim ownership or get possession.

Q. He claimed a right to the goods?—A. He had me infer, from that kind of consideration, that he could take the right.

Q. He was in possession, and you had hard work to get him out?—A. Yes, sir.

Q. Then he carried off the books under some claim of right?—A. Yes, sir.

Q. What was his claim of right to the books; you have been in court; what did he assign in court as the reason why he was entitled to the goods and the books?—A. I do not remember that he ever made any statement of any special claims.

Q. Did he write letters to the Indian Office on the subject, so far as you know?—A. Not that I know of.

Q. You do not know whether he did or not?—A. No, sir; I do not.

Q. When were the cattle leases revoked in that Territory?—A. I believe it was in June, 1885.

Q. The cattle leases were not in operation, then, during your last years of trade?—A. No, sir.

Q. Has that cut down the amount of trade at that agency?—A. Oh, yes, sir; it has cut it down considerably.

Q. What is the amount of trade there now as compared with the amount of trade there was there before the cattle leases were revoked?—A. I can only say from my own experience——

Q. You were there for some time afterwards, I understand?—A. Yes, sir. When I was prepared for business there, and carried a stock, my business ran at the rate of about $50,000 a year, though of course it did not run to anything like that amount for the last year, for I was not prepared for it.

Q. Do you mean before or since the leases were revoked?—A. Since the leases were revoked. I do not mean that I did that, but when I was prepared with stock I did business at that rate.

Q. I do not know whether you can answer my inquiry or not, but what I want to ascertain is how much diminution of trade there was at the agency, taking all the stores growing out of the revocation of the cattle leases, how much did that cut it down?—A. I think the trade ran in the neighborhood of $250,000 a year, that is before the leases ran out, during the time of the leases.

Q. How much has it amounted to since?—A. I think the trade has dropped off $150,000.

Q. So that the trade there now is not over $100,000?—A. No, sir.

Q. Do the Indians trade at the agency now to the extent they formerly did?—A. Yes, sir.

Q. Don't they go up to Caldwell a good deal to trade?—A. I do not think their trade there amounts to anything to speak of.

By Senator BLACKBURN:

Q. After these cattle leases were revoked, did you not have some goods on hand, no longer adapted to trade there, that you shipped off?—A. Yes, sir.

Q. A part of your stock had evidently been laid in with a view for that trade which was lost upon the revocation of the cattle leases?—A. Yes, sir.

Q. And that part of your goods you shipped away, they being no longer marketable there?—A. Yes, sir.

Q. Was it or not a fact that you had made another arrangement with Meeks by which you were to sell out to him, and that you were invoicing, or in the act of invoicing, your goods to make that transfer at the time that the agent, Captain Lee, came in with this telegraphic order to inquire into the way in which Meeks was using his license; is it not a fact that you had made a different arrangement with Meeks by which he was to take, as purchaser, a part at least of your stock off your hands, and were you not in the act of invoicing the goods at the time when Captain Lee, the agent, came in with this telegraphic order to inquire into the methods Meeks was employing and the way he was using his license?—A. Yes, sir.

Q. Was that not in July?—A. I think it was in the first part of July or the latter part of June.

Q. Was his license revoked then?—A. No, sir; because his license was joined with mine.

Q. It was a joint license, then; it was originally in his own name, and a joint license for him and you was substituted after you had gone into this agreement?—A. Yes, sir; it was not revoked, but he was informed that it would not be renewed.

Q. He was notified that it would not be renewed?—A. Yes, sir; either individually or jointly.

Q. That there would be no more licenses granted to him or to you, or to either of you?—A. Yes, sir.

Q. Is it or not a fact that the extension given to you to do business in that Territory was granted you by the Commissioner of Indian Affairs for the purpose of enabling you to get out with as little loss as possible with the goods that were left there on your hands?

The WITNESS. The extension?

Senator BLACKBURN. Yes.

The CHAIRMAN. What extension?

Senator BLACKBURN. The extension of his license, the Meeks license. [To the witness.] When did your license run out?

The WITNESS. On the 17th of December, 1886.

Q. When did you quit there?—A. I quit there—I think it was the 1st of February.

Q. It was extended, then, from December 17 up to February?—A. Yes, sir; I had an extension for that time.

Q. For what purpose was that extension given to you?—A. For the purpose of enabling me to sell off more of my goods.

Q. Was Meeks included in that extension, or just yourself?—A. Just myself.

Q. Meeks got no extension?—A. No, sir.

Q. Did Meeks have anything to do with the store after that fall?—A. Meeks had nothing to do with the store; all connection between us was stopped when the sale took place. Meeks obligated himself in writing (there was a contract drawn up) to buy the stock and did buy it, and the conditions of sale, &c., were set forth, and also that he was to receive nothing more out of the store, no wages or anything—in fact, it did away with the other contract entirely. And when Meeks failed to comply with his part of the contract, of course he had no further interest.

Q. What was the reason he failed; because he could not get any license?—A. Yes, sir.

Q. The Department refused to license him any more?—A. Yes, sir. Nothing was said in our agreement about his license; still, at the same time he could not use his goods without having a license.

Q. You knew he could not make good his contract with you if he failed to get a license?—A. Not without a total loss.

Q. And from that time he had nothing more to do with the store?—A. No, sir.

Q. And you were allowed to remain there until February to get rid of as much of your goods as you could?—A. Yes, sir.

Q. Who was the acting agent down there then; Captain Lee?—A. Yes, sir.

Q. Did Captain Lee make a report in answer to that telegram?—A. Yes, sir.

Q. Who succeeded Captain Lee as agent there?—A. Mr. G. B. Williams, of New York.

Q. Do you know whether Captain Lee, or Mr. Williams acting as agent, reported to the Indian Office that it appeared that Meeks had not done any intentional wrong, or made any report at all favorable to Meeks?—A. I did not see the report.

Q. What did you understand, if anything, about that?—A. I understood that Captain Lee reported the facts, and in addition did report that Meeks did not think he was doing any wrong, and stated some explanations that Meeks made why he entered into that sort of an arrangement.

Q. And yet, after that report was made, the Commissioner of Indian Affairs notified you and Meeks that neither of you could have any renewal of license?—A. Yes, sir.

By the CHAIRMAN:

Q. Did you know that Meeks was a personal friend of Commissioner Atkins when you made this arrangement with him?—A. Yes, sir.

Q. He claimed to be his personal friend, did he?—A. Yes, sir.

Q. Did he state in what particular the friendship consisted?—A. Yes, sir; he stated that his family had been Commissioner Atkins's friend for the last twenty-five years.

TESTIMONY OF GEORGE S. HARTLEY (recalled).

GEORGE S. HARTLEY was recalled and further examined.

By the CHAIRMAN:

Question. I understand that you desire to correct a statement made by you yesterday. You may make any correction in your testimony that you desire.—Answer. In my direct testimony before the committee, given yesterday, I am told by my friends—and I recall it, too—that I stated there was no streams that became past fording between the agency stores and the stores in the country. I remember now that there is a stream right close to the agency, which I did not then have in my mind, Clear Creek and Bird Creek, which form a junction right at the agency, and they sometimes get beyond fording; and the same stream, Bird Creek, surrounds the agency and has to be crossed in going to the Hominy Creek store; consequently, when it is past fording at one place it is at another.

Q. I understood Mr. Branham to state that the streams between Gray Horse and the agency had not been impassable during this last year?—A. Yes, sir; that is so, but occasionally they do rise to such an extent as to make them impassable.

TESTIMONY OF FRANK P. SCHIFFBAUER (recalled).

FRANK P. SCHIFFBAUER was recalled and further examined.

By the CHAIRMAN:

Question. Please state to the committee in what condition you found your brother this morning.—Answer. He is no better; he is still quite sick.

Q. Is he yet confined to his bed?—A. Yes, sir.

Q. Was he able to get any sleep during the night?—A. Very little, not over a half or three-quarters of an hour during the whole night.

Q. He is not then in any condition to testify to-day?—A. No, sir; not this morning.

Q. Were you financially interested with him in his tradership business?—A. Yes, sir.

Q. What have been the financial relations between you and your brother?—A. Since we have been away from home we have had everything in common; we know nothing of individual property; it all belongs to Schiffbauer Brothers, and what belongs to one belongs to both.

Q. And that same arrangement applies to the goods owned in the Territory and your business here?—A. Yes, sir.

Q. Did you know that there was any order or regulation that a trader must make affidavit that no one was interested with him in his business as an Indian trader?—A. I knew that used to be the case years ago. I was in the business in the Territory away back from 1875 to 1877, and I knew at that time it was a regulation. But since that time, coming out of the Territory in 1877, I paid no attention to it, and did not know whether it was a regulation still in force or not.

Q. Is it not true that that regulation had fallen into "innocuous desuetude" until recently, so that it was not regarded by your brother as being in force while he was there until just before he closed busi-

ness?—A. I have been so informed, but I have not paid any attention to the law particularly.

Q. Having then some personal interest in the matter, do you know anything about the sale of your brother's interest in the partnership at the Osage Agency—not at Gray Horse but at Osage; do you know anything about it personally?—A. I do; I was present and helped to make the transfer.

Q. Do you know whether your brother had cash offers to sell from other parties besides Mr. Brenner?—A. Yes, sir; he had.

Q. From whom?—A. From one gentleman who was a physician at the agency, Dr. Dodson, and from another gentleman, Mr. Simms. Simms wanted to make the purchase, and I believe the sale was to be made to him and a brother of the former trader there, Mr. Hamilton, jointly. You ask me if I knew that he had offers of cash sales; is that the question?

Q. I mean cash sales or any sales; what other offers had he at that time?—A. This sale to Meeks & Hamilton, as I understood, was to be a cash sale if made. The sale to Dr. Dodson, if made, I understood was to be a part on time.

Q. And at full prices for the goods?—A. Yes, sir; at cost and carriage, and the buildings at cost.

Q. Do you know how much the buildings at the agency cost?—A. I know, but I have really forgotten. It seems to me the original buildings and improvements there were $2,200, or something like that.

Q. What did they sell at when they were disposed of to Brenner?—A. The buildings, corrals, and the first improvements went at 15 per cent. less than cost.. There was a cellar built immediately back of the store, adjoining it, covered over, and some other improvements, I forget what, that went at actual cost without a discount. Some $150, I believe, was the cost of these improvements that went at actual cost; but the improvements proper went at 15 per cent. less than cost.

Q. What did Brenner get the goods for; at what rate?—A. The understanding was that we added 15 per cent. to the original cost to cover transportation.

Q. You took the invoices and made that computation?—A. Yes, sir. I was going to state that when we had received goods we added 15 per cent. to invoice prices for cost of transportation. He was to take the goods marked at cost, less 15 per cent., which would leave the original cost of them, which was the price he was to pay.

Q. Was the bargain concluded at that figure?—A. Yes, sir; with this exception, which came about in this way: When I went down there Mr. Branham was running the Osage store and had in his employ Mr. Florer and Mr. Finney as clerks. Florer had gone through the stock and straightened it all up, counted and marked it, and had taken it down on slips, virtually had taken the invoice, and Sheddan had copied it. When Brenner came there, which was, I think, the next day or the day following, we told him what had been done; that I was not present, neither was my brother; that it had been done by Florer, who we thought was a disinterested party, and we asked him if it was satisfactory to him to take that invoice as it was taken. He said he would look it through, that he did not see any particular objection to that, and thought he would take it. He began going through the stock and he found a few things that were marked more than they ought to cost, I believe, one or two things where some mistake was made in it, and he concluded he would have to go through the stock again, and the gentleman whom he hired as his bookkeeper, Mr. Reome, I believe, and

myself, Brenner, and Hartley ran through the stock a second time, and that invoice fell considerably short of the invoice taken by Florer.

Q. How much short did it fall?—A. My recollection is some $500. I will not be positive as to the exact amount, but it was somewhere in that neighborhood. I was dissatisfied with it, and told him I did not think we had gone through that stock in any way which made it proper to make a transfer on, and I preferred going through it again and doing the thing right. Mr. Branham and Mr. Brenner went up stairs to Mr. Branham's room and they had a consultation, and when they came back Branham said he did not have time to stay there and retake that invoice; that he had to go to Gray Horse and have the transfer made there and go to doing business, and that he was going to let the thing go. I found if Branham sold out to Brenner, the best thing we could do was to let ours go too, and we took the last invoice of Brenner's.

Q. Which was some $500 short of the first invoice?—A. Yes, sir; and the sale was made on the basis of Eastern cost.

Q. The basis the invoice was to be taken on was original cost of goods, practically, was it not?—A. Yes, sir; it amounted to that. It was to be taken at cost figures, and the 15 per cent. deducted which had been added for transportation, which would leave them invoice figures.

Q. And if the first inventory was mainly correct, the sale really went at $500 less than that?—A. Yes, sir.

Q. Do you remember the exact language which Mr. Branham used when he said he was going to sell?—A. My recollection is that the language was about as I stated; that he had to go out to Gray Horse and get the transfer made there and go to doing business, and he had concluded to take Brenner's invoice.

Q. Your brother and yourself had something to say about it, did you not?—A. My brother was back at Gray Horse at that time.

Q. And you represented him?—A. Yes, sir; I remained at the agency to close up that business.

Q. You had something to say about it. What did you assent to that reduction of $500 for?—A. I had told Mr. Branham I was dissatisfied with it and desired to retake it again; that if there was only that amount I would take it, but if there was $500 more I wanted it; that I had reason to believe that Florer had taken it properly, and could not see why he should want to take it any other way, and I believed that the amount of goods was there that he had on his invoice.

Q. Why didn't you make a stand for it and demand it?—A. When Branham sold out and said he was going away and was going to take that, I did not see where I could gain anything by it.

Q. Was that a thorough invoice that you and Brenner took?—A. No, sir; I did not consider it so. We went through a stock of goods that invoiced something over $4,000 in something less than half a day.

Q. Why didn't your brother, and you in conjunction with him, accept these offers for cost and carriage for your interest there which were made, as I understand it, by other parties?—A. The offer of Dr. Dodson was made after we went to the agency to transfer the stock from Branham & Schiffbauer to Brenner, and it was contingent upon his securing the license. He telegraphed the Commissioner of Indian Affairs and received word back that he could get a license. At that time we went to Branham and told him the circumstances and what the offer was, and I forget just exactly what his objection to Dodson was at that time; I do not recall to mind just now what it was. In relation to Simms, when we spoke to Branham about that, Branham said, "Well,

that just means Hamilton, and I do not propose to go out to Gray Horse and do business and have to fight Hamilton here."

Q. Why did he say that; what was the trouble with Hamilton?—A. I do not know except that he was a pretty good Indian trader.

Q. He was known to be a good Indian trader, was he?—A. He had that reputation.

Q. He was an energetic and pushing man?—A. Yes, sir.

Q. You do not remember what the objection was to taking Dodson's offer?—A. I cannot call it to mind just now; no, sir.

Q. Do you know anything about the transfer out to Gray Horse?—A. Yes, sir.

Q. How did that go off?—A. Well, after we had concluded to take the offer of Brenner, or that invoice at Osage, then half an hour after that Branham and I got into a buggy and drove out to Gray Horse that evening. Branham had said that he would take all the goods that were out there, that were salable, at cost. He said he had not made up his mind exactly as to what he would do about the building.

We went to Gray Horse and the next day began invoicing, and we invoiced all the best goods, the most salable goods, such as groceries, flour, and everything of that kind; that was taken at market prices. As to the dry goods, a large proportion of them he would find objections to, and as to a good many things he said he did not want them at all. In regard to other things he would just simply say, "I will give you so much for your share of that," and we generally took it.

Q. Did you let him have them at just what he wanted them for?—A. In most every instance we did. We soon found out there was no use in raising any objection, as it was that or nothing.

Q. What was the final result?—A. The final result was that we came out of there with a lot of goods on our hands which we left there mainly, and the most of them are there now. He said if he sold his half of them he would sell our half and give us what they brought, and we left them there, and they are there yet. I have a memorandum of the goods which are there.

Q. What do they amount to in value?—A. I forget what they do amount to; I suppose some four or five hundred dollars all told.

Q. Those are the goods that he would not take at any price?—A. Yes, sir. He said, "I own half of these goods, and I feel that that is as much as I can afford to put on them, and when I sell my half if I can sell yours I will do it."

Q. You did not think it was a fair price that he was offering at all?—A. No, sir; in fact, in regard to some of the goods, he would not offer any price at all. He said that he felt that the money he had in there was all that he could afford to put in that class of goods. We found that any protest on our part would not cut any figure. I knew there was to be a discount off on the invoice as we went along, and some things were worn out and we cut them down very close. I would ask him whether a certain thing was net, or whether there was 15, 10, or 5 per cent. coming off of it, and he said no, any prices we made as we went along went at that rate. He became indignant and said my sarcasm didn't affect him at all. I told him I was glad of that; that I did not mean any sarcasm, but I wanted to understand as we went along, and my sole aim was not to owe the concern anything when we got done.

Q. What price was put on the buildings?—A. The buildings were erected first by Finney, Schiffbauer & Co., and cost them some $2,800. When the transfer was made from Finney, Schiffbauer & Co. to Bran.

ham & Schiffbauer they were invoiced at $2,800. In this transfer Branham said, "I will give $725 for your interest in the building."

Q. That was cutting off $350 from what it had been appraised at?—A. For that year's use, and they were cut down a thousand dollars for the first year's use.

Q. Did you accept that willingly?—A. Oh, yes, sir.

Q. Your testimony is being recorded and is going to be printed, but no one who reads the record will observe the smile with which you make that statement. Therefore I will ask you if you really mean that you accepted that offer willingly?—A. No, sir, I did not; and I did not mean to say that. I remarked to him that I thought those buildings were worth what they cost the firm. I will state further that the buildings consisted of a store building and residence. My brother remained in charge at Gray Horse and used the residence as a dwelling, and the firm charged him $125 for the use of that building for a year.

Q. Had there been any depreciation of the buildings during the year?—A. That is a hard question to answer. That was the only building there.

Q. I mean all those buildings; had they depreciated any during the year, apparently?—A. No, sir; only from the natural use they were put to.

Q. Had any improvements been put on them during the year?—A. Very little, if anything. I think there were some changes made in the corrals, or perhaps a corn-crib built or something. I believe the improvements were invoiced at cost; I think they were. It was a small item anyway, of about $30, I believe.

Q. Do you know anything of the arrangement by which Mr. Branham was to receive $2,000 per annum out of the profits of the business before the profits were divided?—A. I know the statement my brother made to me of that matter when he returned from Washington, where he had gone with Branham to secure the license.

Q. What did your brother say it was?—A. I know what was said and done.

Senator BLACKBURN. I want the record to show here that I made the suggestion that, as we are still taking testimony in this city, where the witness's brother is living, and as we hope that he may be able to give his own testimony before the committee yet, I think it is better to have his statement of the matter than to take the statement of his brother.

The CHAIRMAN. I will accede to that suggestion. If the witness's brother improves in health and is able to come before us, I would very much prefer to ask him about it. But I will state here that I went down this morning to Mr. Schiffbauer's to ascertain his exact condition, and I find that he is in no condition whatever to testify. However, I will postpone asking the question until just before the committee leaves this city, hoping that we may be able to get the witness's brother to testify on this subject.

The WITNESS. I can answer directly as to what the arrangements were at the closing of the business.

The CHAIRMAN. Were you there then?

The WITNESS. Yes, sir; I was there.

Q. What arrangements were there in that respect at the closing of the business?—A. At the time this invoice was about completed, I was over at my brother's house copying the invoice. Mr. Branham came there and wanted to see my brother, and they together went out, and

the question was asked my brother "Where do you want this $2,000 to come from; out of this invoice or out of the first payment?"

Q. Is this something that your brother told you or did you hear it yourself?—A. That was the talk out there at that time, and the same conversation was repeated afterwards in my presence.

Q. Very well, state what you heard.—A. The talk that I heard was that Branham wanted the $2,000 out of the concern money, and my brother had told him that he did not think he was entitled to it. He asked him the question if he thought he was entitled to it, and he said he certainly was. My brother said, "I do not think so." The answer was, "That is neither here nor there; all I want you to say is whether this shall come out of the invoice or out of the first payment."

Q. What was replied to that?—A. My reply was that it would not come from either place with any consent of mine.

Q. What did Branham say to that?—A. He said he should have it anyway.

Q. Was there ever any account stated to see what the profits had been during that year of business there? You took an invoice of goods to sell out at Gray Horse.—A. Yes, sir; the final wind-up showed that the concern had made about $5,900. This $2,000 was not considered in that showing.

Q. Taking that out it would be $3,900?—A. Yes, sir.

Q. So that out of this profit you and your brother, if there was $4,000, would get $2,000, and Branham would get $4,000; that is the practical result of it, as I understand it?—A. Yes, sir; that is the amount of it.

Q. In the course of this conversation with Branham did you tell him what you would give him if he would sell out to you?—A. Yes, sir; that was repeatedly brought up during the invoicing of the stock. He would say, "If you were buying these goods you would not want to give any more for them than I am offering you." I made the suggestion, and so did my brother once or twice or ottener, that if he, Branham, would put us in his place, or insure us a license, we would take the goods at cost and carriage and add 25 per cent. to it.

Q. And would you have been willing to do that?—A. Yes, sir.

Q. Is there anything else you desire to state to the committee?—A. No, sir; not that I know of at this time.

Q. Did you ever have any conversation with Branham about his ability to keep other traders out from Gray Horse?—A. No, sir; I did not myself.

Q. You were not there personally during that period?—A. No, sir.

By Senator BLACKBURN:

Q. What was the style of the firm in which you and your brother were interested at Gray Horse before Branham came in?—A. Finney, Schiffbauer & Co.

Q. You had the same interest then with your brother that you have had ever since?—A. Yes, sir; we have had the same interest since 1865.

Q. The firm of Finney, Schiffbauer & Co. put up those buildings?—A. Yes, sir.

Q. At what cost did you say?—A. About $2,800; I am not quite certain that that was the amount.

Q. How long did that firm continue?—A. A little over a year. Their license expired in October, 1885, but they did business until Branham & Schiffbauer succeeded them. and their license was dated December 16, 1885.

Q. So that it was a little over a year?—A. Yes, sir; a little over a year.

Q. And the firm of Finney, Schiffbauer & Co. put up those buildings at a cost of $2,800 and used them a fraction over a year?—A. Yes, sir.

Q. And the firm of Branham & Schiffbauer became the purchasers, and there was a cut made on those buildings from twenty-eight hundred to eighteen hundred?—A. Yes, sir.

Q. Did you make any complaint of that?—A. Yes, sir.

Q. When you bought them from the firm of Finney, Schiffbauer & Co. for Branham & Schiffbauer you objected to that reduction?—A. Yes, sir; I said it was not fair to the selling parties.

Q. You had a one-third interest in selling and a one-half interest in buying?—A. Yes, sir.

Q. And they were cut $1,000 for one year's use?—A. Yes, sir.

Q. And then, after they were used a year longer, Branham became a purchaser from Branham & Schiffbauer and they were only cut from eighteen hundred to fourteen hundred and fifty, which was a cut of $350?—A. Yes, sir.

Q. Do you think that was as heavy a cut for the second year's use as $1,000, three times that amount nearly, had been for the first year's use?—A. It does not average as much.

Q. It just lacks two-thirds of it. Now, about this $2,000. You say your brother was not satisfied when Branham put you and him out; that your brother was not satisfied to pay that amount, and said he did not think it ought to be done?—A. Yes, sir.

Q. Is it or not a fact that after your brother became satisfied as to what the profits of the store had been that he expressed his satisfaction and willingness that that $2,000 should be paid?—A. Never to me; on the contrary, he objected to it.

Q. I ask you frankly, because Mr. Branham has testified that such was the fact.—A. My brother never stated that to me and never did to Mr. Branham in my presence.

Q. Did you, or your brother to your knowledge, bring to the attention of the Indian Office any of these matters which you now complain of in the settlement that you had with Branham?—A. No, sir.

Q. You do not know that the Indian Commissioner or the Indian Office ever did know, or know yet, anything about the conduct of Branham in any of these matters of which you complain?—A. I have only Mr. Branham's word for that. He told us that the Commissioner knew all about it, that is about the $2,000 business.

Q. No, no; I am talking about the cut on the buildings and the prices at which he took the goods, and the refusal to take part of them at all.—A. No, sir; I do not know that the office knows anything about that.

Q. So far as you know that was a private matter between yourself, your brother, and Mr. Branham?—A. Yes, sir.

Q. Did you or your brother make any complaint to the Indian Office about being badly treated by Branham in regard to the matter of prices put on goods, or his refusal to take any portion of them?—A. No, sir; we have not as yet.

By the CHAIRMAN:

Q. At whose instance was a cut of $1,000 made when Branham & Schiffbauer bought out Finney, Schiffbauer & Co.?—A. It was at the instance of Mr. Branham.

Q. You got cut, then, at both ends?—A. Yes, sir.

By Senator BLACKBURN:

Q. In reference to the invoicing of your stock—did Branham make the sale to Brenner, or did your brother make it, or did you make it; who made the trade?—A. Branham made the trade originally; but my brother was down there, and they told him what the offer was and he sent for me to come down.

Q. Before he acted?—A. Yes, sir; and we consulted in regard to the matter over there, and made up our minds that perhaps that was the best we could do, and that we had better accede to it and take it.

Q. It was after that that this Dr. Dodson made a proposition to buy, was it not?—A. It was after that before he found he could get a license. He had made a proposition prior to that time.

Q. And he found afterwards that he could get a license?—A. Yes, sir; but at that time we had accepted the proposition of Brenner.

Q. The proposition that Dr. Dodson made to you was a better proposition than the one Brenner made, was it?—A. Yes, sir.

Q. Did you at any time think of accepting Dr. Dodson's proposition?—A. Yes, sir.

Q. You did contemplate its acceptance?—A. Yes, sir.

Q. Why did you not take Dr. Dodson's proposition?—A. Because we had not any assurance that he could secure a license, and Branham was crowding us to close the business up, so that he could get out to Gray Horse and get the business there straightened out.

Q. When Dr. Dodson found that he could get a license, why didn't you take his proposition then, if it was a better one?—A. One reason was that Branham refused to go into the arrangement, and another reason was, as I stated, that I think we had accepted Brenner's propotion.

Q. Did Dr. Dodson ever back out or decline to make good his proposition?—A. Not to my knowledge.

Q. You had no trouble of that sort?—A. No, sir. He never declined to carry out his proposition to me, and if he did to my brother I never heard of it.

Q. You told Brenner that you were willing to take the invoice as made by Florer?—A. Yes, sir.

Q. And Brenner did not want to do that?—A. He said he would see about it; that he would go through the stock some.

Q. I understood you to say that when he undertook to go through the stock he did find that some mistakes had been made in the Florer invoice?—A. Yes, sir. Do you want me to state what the mistakes were?

Q. If you want to.—A. My recollection is that one thing he objected to was some hose that were marked to cost 12½ cents, and which he said he could buy at 40 to 60 cents a dozen. They were claimed to come in bundles, but had been put in a box in which hosiery came which had cost a great deal more than those that were in the box. That was one item. Another was an Indian fan marked to cost $1.15, which he claimed he could buy for a great deal less money, and Branham, I believe, finally convinced him that he could not. And there was one shirt in the clothing department marked to cost a dollar and something which should not have cost over 15 cents; it was a mistake. The whole business did not amount to $5—the mistakes he found and pointed out to us; but on that ground he wanted to go through it again, and did go through it, and made the difference I stated.

Q. In finding the mistakes you have alluded to. he did not go through the whole stock, did he?—A. Not at the warehouse, I believe; they were full packages in there, or nearly all, and he took them.

Q. Was there any proposal made to settle up and divide the difference between the Florer invoice and the one which you and Branham had taken together?—A. Yes, sir; I tried to get him to do that finally, and offered to split the difference and let it go.

Q. But he would not do that?—A. No, sir.

By the CHAIRMAN:

Q. Did Mr. Branham know, when he got Brenner to come over there, that Dr. Dodson had made this offer?

The WITNESS. Did Branham know this at the time he sent for Brenner to come over?

The CHAIRMAN. Yes.

A. I really do not know; I think not at that time.

TESTIMONY OF WILLIAM R. LITTLE (recalled).

WILLIAM R. LITTLE was recalled and further examined.

By the CHAIRMAN:

Question. I think I did not ask you the other day what you knew about the apparent transfer of Whistler, Pickett & Co. to William B. Shaw, jr., at the Sac and Fox Agency. What became of the Whistler, Pickett & Co. goods when they ceased to be traders?—Answer. They were transferred to the Shaw building, or to W. B. Shaw at the old Gibbs building—the building that belonged to Gibbs the man who was in company with Whistler, Pickett & Co.

Q. I understood you to to say that you furnished an affidavit to the Department that Eddy was not at the old Whistler, Pickett & Co. store, but that to all appearances things were going on there just as they had gone on before, with the same persons there and everything; did you so state?—A. I did.

Q. Was that the affidavit in which it was claimed that you had made a misstatement?—A. It was.

Q. Did you in that affidavit make any statement with regard to Shaw's having any other goods, or had he not taken any of the goods at that time?—A. I do not think Shaw had taken any of the goods at the time that I made that statement.

Q. Now, what goods, if any, did Shaw first take from the Whistler, Pickett & Co. store; what portion of the goods did he take at first?—A. I really could not say what portion of the goods they were.

Q. Whose interest was it?—A. What goods were taken there I understood belonged to Gibbs's interest.

Q. The "Company" of Whistler, Pickett & Co. was a Mr. Gibbs?—A. Yes, sir.

Q. Who was Mr. Gibbs?—A. I think he was Mr. Shaw's father-in-law.

Q. Did Gibbs, or not, draw out from the Whistler, Pickett & Co. store some portion of the goods; did he take a portion of the goods from the store?—A. That is what is understood.

Q. Where did those goods go to?—A. They went to the Shaw store.

Q. Where was the Shaw store?—A. It was in the Gibbs building.

Q. Gibbs owned the building?—A. Yes, sir.

Q. And lived in part of it?—A. It had been a hotel run by Gibbs, and Gibbs had a dwelling-house about 40 feet from the hotel, and they converted the hotel into a store when Shaw got a license to trade there.

Q. Did Gibbs continue to reside in part of it?—A. Gibbs did.

Q. When Shaw first commenced trade did Gibbs have anything to do with the Shaw store?—A. He was there all the time; I do not know what connection he had with it.

Q. He lived in the building?—A. Yes, sir; he did.

Q. Do you know whether he actually engaged in selling goods?—A. I do not, but I know that he bought goods for the Shaw trade at Red Fork, such as tobaccos, cigars, and things like that. That was the first bill of goods that Shaw put in.

Q. Were they bought in his own name or in Shaw's name?—A. Edward Shaw told my brother that Gibbs bought them himself, or put them in the store.

By Senator BLACKBURN:

Q. You said Edward Shaw told your brother and your brother told you?—A. Yes, sir.

Senator BLACKBURN. I object to that.

The WITNESS. My brother can tell you what Shaw told him.

Senator BLACKBURN. I object to that.

The CHAIRMAN. That perhaps is rather remote.

The WITNESS. We have not anything for it except Shaw's word.

Senator BLACKBURN. I want Shaw's word; I don't want somebody else's word.

By the CHAIRMAN:

Q. Did you understand that Eddy's license was revoked, or did he resign?—A. He claimed that he resigned.

Q. What became of the rest of the goods at the old Whistler, Pickett & Co. store?—A. They were all removed to Shaw's building.

Q. Was Eddy there at the time?—A. Eddy came there and staid about two or three days, if I remember right, and then went away.

Q. Had he been there from the time when he first came, at all, until the time of that removal of the goods?—A. He was not there from January until July.

Q. When were the goods removed?—A. They were removed in July.

Q. When did he first come?—A. He first came there to the agency early in the fall, when he tried to make some arrangement with my brother and I. Then he came back in January, and staid I do not know just how long, a few days, and went away, and from the time he went away in January he was not back until about the 14th of July.

Q. Who were actively about the Whistler, Pickett & Co. store before Eddy came there in January; what persons were engaged actively and to all appearance in the trade before Eddy came there?—A. Pickett, Leon Whistler, and William Parnell were the parties who staid in the store all the time, and Whistler was around and about the store.

Q. Do you mean Mr. Leon Whistler?—A. No, sir; I mean Mr. John Whistler, the old gentleman.

Q. The father?—A. No, sir; not the father, the uncle.

Q. And under the old Whistler, Pickett & Co. tradership John Whistler did not attend actively to the business?—A. No, sir; he was scarcely in the store. He would be around and about, but it was understood that he had a partnership interest.

Q. From January, 1886, to July, 1886, when Eddy is supposed to have had some connection in some way with the Whistler, Pickett & Co. store, who were in the store then?—A. There was Mr. Pickett, Leon Whistler, and William Parnell.

Q. The same ones who were in under the old tradership?—A. Yes, sir; the same clerks.

Q. And Mr. Eddy was not there?—A. Mr. Eddy was never there.

Q. When these goods were moved up to the Shaw store, the final transfer, who then went into that store to trade?—A. Leon Whistler took charge of the business; he was considered the head clerk. Ed. Shaw was in the store, a brother of William B. Shaw.

Q. What became of Parnell?—A. I do not know whether he worked there very long. I know he worked for some time, but how long I do not know.

Q. He went up with the goods, but how long he staid you cannot tell?—A. No, sir.

Q. How long did Leon Whistler stay?—A. Leon Whistler staid there about two or three months, I think; two months at least.

Q. Where is Pickett now?—A. I do not know.

Q. Is he at the Sac and Fox Agency?—A. I do not know; I have not been there. I have not heard of Pickett's whereabouts since I left the Sac and Fox Agency.

Q. Where is Whistler?—A. Whistler is living there.

Q. I mean John Whistler?—A. Yes, sir; he is at the Sac and Fox Agency.

Q. Which of them was it that gave bond for some one up here?—A. That was John Whistler.

Q. Have you not heard that John Whistler has not been seen since about the time the bond was forfeited?—A. I have heard that he has not been seen, and that no one has known where he is for about three months.

Q. And the supposition is that he is following up this principal to try to get his money, is it not?—A. Yes, sir. He had gone on the bond of some desperado down there who had committed some offense, and the fellow had forfeited the bond and it is supposed that Whistler is now in pursuit of him to try and get his money.

Q. Did Shaw continue all the while at the store so long as you staid there?—A. He was around about the store there. Oftentimes he would go away and be gone for several days and sometimes for a month at a time.

Q. Did he engage much in the actual selling of goods at the store?—A. He scarcely was behind the counter doing any trading in that way. He was often in the little apartment they had for an office there looking over the books, and was around about the business there.

Q. Do you know what Mr. Shaw's age is?—A. I do not know.

Q. From appearances how old would you judge him to be?—A. I should judge he was about thirty-five or thirty-six years old, or along in that neighborhood.

Q. What has now become of Mr. Gibbs?—A. I have heard that he is not at the agency; I cannot say where he is.

Q. Do you know why he left there?—A. I believe the reason was that he had not behaved himself, and the Indians had protested against his being there a great many times; they wanted him to leave the agency, and I think the present agent took some steps towards making him leave.

Q. Who is the present agent?—A. Moses Neal.

Q. He is coming here before the committee, is he not?—A. I believe he is.

Q. What paper was it that you were asked for the other day when

you testified; was it not a letter from Mr. E. John Ellis?—A. I believe it was.

Q. Have you any letters with you which you received from Mr. Ellis?—A. I gave Mr. Paul, the clerk of the committee, some letters that Mr. Ellis had written to me in regard to the business I engaged him to look after for me in Washington.

Q. Is this one of the letters you refer to [handing a letter to the witness?]—A. Yes, sir; that is one of them.

Senator BLACKBURN (after examining the letters in question). I will ask you, Mr. Chairman, to have this letter put into the record. It is dated the 24th of April, 1886.

The letter referred to is as follows:

WASHINGTON, D. C., *April 24th*, 1886.

WILLIAM R. LITTLE, Esq.,
Sac and Fox Agency, Indian T'y:

MY DEAR MR. LITTLE: I received your letter of April 12th a few days ago. The Commissioner of Indian Affairs declares that he has not been able to hear from Mr. Neal, the agent at your agency, and wonders why that official does not communicate with him in regard to you. I am satisfied that Mr. Atkins is coming to a knowledge of the truth of affairs there, inasmuch as he told me that he was thoroughly satisfied now that he had been deceived as to Mr. Eddy; that he knew that Whistler & Pickett were still there in the store, and that he should terminate Mr. Eddy's license very soon. I told him of your hardship. He laughed and said: "Well, Little ought not to complain, because his store has been open all the time, and I do not intend to oppress him."

Go ahead in your course. Keep your eyes wide open, and inform me of everything. I am satisfied that the Commissioner is on our side, and that all will be well. Keep me advised, and quietly ascertain if Mr. Neal has written to the Commissioner of Indian Affairs, what he has written, and forward me, as soon as possible, the document I spoke of in my former letter, attested by the Indian agent.

With great respect, I am your obedient servant,

E. JNO. ELLIS,
Att'y at Law.

Confidential.

By Senator BLACKBURN:

Q. What document is it that Mr. Ellis refers to in his letter?—A. It was in regard to an affidavit that I was to give, substantiating what I had said, that I had not told any lies about Eddy's not being there, which was the charge brought against me and the reason they gave for not giving me a license.

By the CHAIRMAN:

Q. I understood you to say that Commissioner Atkins promised that you should have a license?—A. Yes, sir; he did.

Q. And then you were afterwards informed (I do not know in what way) that you could not have your license renewed because you had made a misstatement about Eddy?—A. Yes, sir; that was a fact.

The CHAIRMAN. In this connection I desire to put into the record the following correspondence:

UNITED STATES INDIAN SERVICE,
SAC AND FOX AGENCY, I. T.,
October 16, 1885.

Messrs. W. R. LITTLE & CO.,
Sac and Fox Agency, Ind. Terr'y:

GENTLEMEN: I inclose herewith Department letter (copy) "C. C." 20,280–85, dated Oct. 10th, 1885, for your information and future guidance.

Very respectfully,

ISAAC A. TAYLOR,
U. S. Ind. Agent.

[Copy.]

C. C. 20, 280–85.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, Oct. 10th, 1885.

ISAAC A. TAYLOR,
U. S. Indian Agent, Sac and Fox Ag'cy, Ind. Terr'y :

SIR: On the 4th of September last you were notified that W. R. Little & Co., whose license as traders expired on the 8th of September, would be allowed to continue trading until further notice. You will now inform them that they will be given until January 1st, 1886, to close business, by which time it is expected they will be ready to leave the reservation.

Respectfully,

A. B. UPSHAW,
Acting Commissioner.

The WITNESS. This notice was when my license expired, and I was continued on from the time my license expired until January first, in order that the McClungs, who bought me out, could come and take charge.

By Senator BLACKBURN:

Q. And after that you were continued?—A. No, sir; immediately after I was closed there, on January 1, 1886; there was a telegram sent to me that I was expected at once to leave. That telegram was received by my brother, who is here, when I was on my way to Washington to see about what the McClungs were going to do about coming to take my place and, why I had been treated the way I had been.

Q. And that was in January, 1886?—A. That was the 1st of January, 1886.

Q. But you did not leave?—A. No, sir; I did not leave because I was in Washington when the telegram got here.

Q. And there is your letter from Mr. Ellis, which was four months after that, and you still had not left, and he writes you that Commissioner Atkins is not going to oppress you.—A. I had gone to Washington, you see, and the Commissioner had promised me the license.

By the CHAIRMAN:

Q. But who told you that the reason you were forced out was because you had lied about the Eddy matter?—A. That gentleman there [indicating Assistant Commissioner Upshaw] was the one who wrote the letter.

Q. Do you mean Mr. Upshaw?—A. Yes, sir.

Q. But you had to go all the same, although the Commissioner had promised you a license?—A. Yes, sir; and he learned the truth afterwards, but I think he was overruled. I think Commissioner Atkins would have done the straight thing by me if he had been let alone.

Q. You have stated that Chief Keokuk made an affidavit that you were all right?—A. He did.

Q. Do you know whether that affidavit was ever sent to Washington?—A. I think it was left with the agent to be sent to Washington.

Q. I see a certificate here signed by him?—A. That, I think, is a copy of it. I keep a copy, generally, of what I get.

Q. Whose signature is that [handing a paper to the witness]?—A. That is the signature of Charley Keokuk, Chief Keokuk's son.

Q. You think the one you sent to Washington was identical with this?—A. Yes, sir, I think so, but signed by his father. I have several affidavits made by Indians as to my character and my trade with them, whether it was honorable or not.

Q. They were all alike?—A. Yes, sir; about the same.

Q. This you suppose to be a copy of the one you sent to Washington signed by the chief?—A. Yes, sir; and I think it ought to be there.

The CHAIRMAN. I will put this one into the record to show the character of the one you sent.

The following is the paper referred to:

SAC AND FOX, IND. T., *February* 20, 1886.

We hereby certify that we have been well acquainted with W. R. Little, of this place, and several of us have worked for him, and we never have heard or known of him cheating or defrauding or making any false statements to our people. He has always given perfect satisfaction here.

That we also know that he was badly treated at the last payment; that he did not collect one-sixth of the money he had out; that he had carried these people for over one year and a half without murmuring.

We do know that Mr. Eddy is not here attending to his business; that there remains in the store of Whistler & Pickett the same old clerks as did months ago; no change except a new clerk of Mr. Eddy's, who attends to the post-office.

CHARLES KEOKUK.

By Senator BLACKBURN:

Q. You have stated that Eddy said that he resigned; did he resign or was his license revoked?—A. I could not tell you that.

Q. You do not know about that?—A. No, sir.

Q. Did one or the other happen to him—his resigning or his license being revoked—shortly after you sent your affidavit on to Washington?—A. My affidavit was sent on there in January; I made the affidavit whilst I was in Washington.

Q. When did he either resign or have his license revoked?—A. The next following July.

By the CHAIRMAN:

Q. Did you not also make an affidavit after you got home?—A. Yes, sir; I did, to about the same effect I had before, and got other affidavits, too.

By Senator BLACKBURN:

Q. When did that affidavit go on to Washington?—A. As soon as I found I had been accused of telling a lie.

Q. About what time was that?—A. I think it was along some time in March.

Q. Some time in March you heard that your statements were discredited, and then you went to work and made your affidavit and got other statements of other people, and they were sent on?—A. Yes, sir.

Q. Now, what time did they get on there?—A. I could not say what date it was.

By the CHAIRMAN:

Q. This one which has been put into the record is dated February 20, 1886?—A. Yes, sir.

Q. Do you think that was about the time?—A. Yes, sir; it must have been about that time.

By Senator BLACKBURN:

Q. Was it in the spring of 1886 that these statements from other parties, and your second affidavit, went on there?—A. Yes, sir; it must have been.

Q. And then in July this man ceased to be a trader, whether by resignation or removal you do not know?—A. No, sir; I do not.

Q. Was Eddy ever interested down there as a trader or not?—A. I do not know, sir; it was very hard for me to tell.

Q. I know he had the license, but was he really ever interested there as a trader?—A. I could not tell you that. It did not appear to me that he was. If I had an interest in the Indian Territory among strangers I should certainly have been there myself to look after it.

Q. Did you or not, in your affidavit filed with the Department, say that Eddy was not interested as a trader there and had no interest there at all?—A. I believe I stated that I did not think he had any interest there, and I do not yet think he had; but I could not say positively, for I do not know.

Q. Are you positive whether you incorporated that statement into your statement which is on file?—A. I may have stated that I did not think he did have an interest.

Q. You are positive you did not state it as a fact?—A. I could not say that. That affidavit I gave the Department and it probably can bring it up. It would be hard for me to tell whether he had an interest or not. He was a man I was not acquainted with and I had talked but very little to him.

By the CHAIRMAN:

Q. Your statement to the Commissioner was that Eddy was not there attending to business?—A. Yes, sir.

Q. And the Commissioner thought he was, did he not?—A. Yes, sir; he did.

By Senator BLACKBURN:

Q. While you were at Washington at that time did you or not tell the Commissioner of Indian Affairs, General Atkins, that you had six or eight thousand dollars' worth of goods at your store?—A. I think I made a statement of what goods I had about the time that the McClungs made an agreement with me.

Q. Then whatever estimate you put upon your stock to the Commissioner you meant was the value of it at the time that the McClungs made a proposition to buy you out?—A. Yes, sir.

Q. And you did not mean that that was the value of the stock you had on hand at that time?

The WITNESS. At which time?

Senator BLACKBURN. When you were talking to the Commissioner in Washington.

A. Certainly not; it was at the time the McClungs were to buy me out.

Q. Was your stock larger when the McClungs proposed to buy you out, or afterwards, when you were talking to the Commissioner in Washington?—A. It was reduced, because we had been trading with the Indians and I had been trying to run my stock down; I was not laying in any new goods. After the McClungs came to see me they said, "You furnish plenty of sugars and coffee and tobacco and such stuff as that for the Indians, to keep the trade going, because we will come here at the end of January and take all those staple articles off your hands." Then we began to let our stock run down.

Q. Did you tell the Commissioner in your interview that you had been replenishing the stock since the McClungs proposed to buy you out?—A. I told him we were buying provisions and coffee and supplies for the Indians, which we were.

Q. Did you tell him that your stock was being reduced in value all the time?—A. No, sir; I do not think I told him that.

Q. It was a fact, though, was it not?—A. It was in some of the articles.

Q. I mean as a whole, as a stock?—A. Yes, sir, it was; the McClung Brothers did not want to take the stock off my hands.

Q. What was the value of your stock at the time you were in Washington?—A. I expect in the neighborhood of $4,500.

Q. When were you first notified to quit?—A. It is right here [looking for a paper]; I do not remember the date of it exactly, but it was along in September, 1885.

Q. When did you quit trading there?—A. I was continued on until January, 1886; an extension of time was given to me, at which time the McClungs, I thought, would come and take my place, which they agreed to do in buying me out; I closed up in January and waited until I got permission from the Indian Department to open my store on the strength of the Commissioner's promising me a license when I was there.

Q. What I want to get you to answer is this: You were notified that you must quit when your license ran out in September, 1885?—A. Yes, sir.

Q. Now, when did you actually quit trading there?—A. I actually quit trading there last July.

Q. In July, 1886?—A. Yes, sir.

Q. You ran ten months, in round numbers, after the expiration of your license?—A. Yes, sir; I did; but it was on the strength of the Commissioner's giving me a license, which he had promised to do.

By the CHAIRMAN:

Q. During that time your store had been closed for some period?—A. Yes, sir; several times.

By Senator BLACKBURN:

Q. For how long a time?—A. From three to five days, and sometimes a week; General Atkins would open my store and General Upshaw would close it up.

Q. How many times was it closed during those ten months?—A. It was closed twice.

Q. So that you ran ten months after the expiration of your license, and were only closed up twice during that time for short periods?—A. Yes, sir; I do not remember how long I was closed the first time, but it was over a month; the first time I was closed up when I was in Washington; it was nearly a month; I left it closed when I went away from home, and I was gone nearly eight weeks before I got back.

Q. Was it open when you got back?—A. Yes, sir; it was open, but it had not been open more than two or three days at that time.

Q. Did not the Commissioner of Indian Affairs telegraph the agent, while you were there in Washington, to give you permission to go on and do business?—A. Yes, sir; but it was after I had been there seven weeks waiting for an answer.

Q. Then it was closed nearly two months?—A. It was closed nearly seven weeks.

Q. How many times was it closed after that?—A. It was closed once after that.

Q. For how long?—A. I think it was closed for three or four days.

Q. Who recommended Eddy to be an Indian trader?—A. I do not know who recommended him.

Q. Do you know whether Civil Service Commissioner Oberly did?—A. I heard that he did.

Q. Was that the understanding?—A. Yes, sir; that was the understanding in that country. I think Mr. E. John Ellis told me in Washington that he had been recommending him, and I do not remember but

what the Commissioner of Indian Affairs said that Oberly was a friend of Eddy's.

Q. Did you state in your affidavit that Whistler, Pickett & Co. were the owners of that store down there which was being run in the name of Eddy?—A. I did.

Q. Were they the owners?—A. Yes, sir; they were the owners of it.

Q. At that time?—A. Yes, sir; at that time.

Q. Although Eddy claimed to be the owner?—A. There had been no arrangement made when I left there.

Q. How long were Whistler, Pickett & Co. the owners of that store?—A. For eight or nine years.

Q. What date did you state in your affidavit that they, instead of Eddy, were the owners?—A. I do not remember what the date of my statement was.

Q. Up to July?—A. No, sir; not to July; I made a statement long before that.

Q. Did you state that up to the time of the making of that affidavit they were the owners and Eddy was not?—A. Yes, sir; I did make that statement.

Q. Now about these Whistlers; are they Indians?—A. They are half-breeds.

Q. Do they belong to the tribe?—A. Yes, sir; they do.

Q. They have a right to be down there and stay there as Indians and members of that tribe?—A. Yes, sir; but they have not been able, as Indians of the tribe, to get a license from the present Commissioner.

Q. Why not?—A. I do not know.

Q. This man Gibbs, you say, behaved so badly that the Indians repeatedly protested against his being down there?—A. That is what he did.

Q. Was he not formerly an Indian trader there?—A. He was.

Q. Under whose administration?—A. He had been there about fourteen years.

Q. And up to how late a date?—A. Until Eddy came down there and represented to buy him out.

Q. That was in 1885?—A. Yes, sir.

Q. He had been an Indian trader there for fourteen years, and continued to be uninterruptedly until Eddy came there in 1885 and bought, or pretended to buy, him out?—A. No, sir; he had been interrupted very often. He would go off and stay awhile and come back again.

Q. He would come back and get another license?—A. No, sir; he would not get another license; he was the "Company" of Whistler, Picket & Co.

Q. Was all this bad behavior going on for several years?—A. I could not tell you; I was not there.

Q. When did you first go there?—A. About four years ago.

Q. Was it going on then?—A. I could not tell you that, for I did not go around to see about his actions.

Q. When did he begin to misbehave?—A. I heard several complaints about him about a year before in regard to his being out of the way, but I never saw anything wrong with the man myself. He and I had a little hog-killing scrape one day; he killed some of my hogs, but that is all I had against the man.

Q. Did you write a letter for Chief Keokuk, which was sent on to the Department?—A. I wrote a letter for Chief Keokuk which was inter-

preted to me by his interpreter and the United States interpreter. I drafted it as he sat there by me and told me what to write.

Q. About what date was that?—A. I could not tell you the date of that letter.

Q. Did he sign it?—A. I think his son signed it.

Q. Are you sure?—A. I believe I am sure, if he did not sign it. I often do a good deal of business for Keokuk now.

Q. Is it possible you signed it?—A. It is possible, and that he touched the pen. I have often written them, and he would approve of them, his interpreter being right with him.

Q. That letter was sent on to the Department?—A. Yes, sir. I know there was quite a "kick-up" about that letter; I heard of it afterwards.

Q. Are you sure that Keokuk's name was signed to that by him, by his son, or by you, and, if so, by which one?—A. Charles Keokuk signed the letter himself.

By the CHAIRMAN:

Q. Has he the same name as his father?—A. One is Charley and one is Moses.

By Senator BLACKBURN:

Q. The old one is Moses?—A. Yes, sir.

By the CHAIRMAN:

Q. The Mr. Oberly who you understand recommended Eddy, and who practically secured his appointment, is the man who is now a Civil Service Commissioner, is he not?—A. Yes, sir; I so understand.

TESTIMONY OF LABAN J. MILES.

LABAN J. MILES, having been duly sworn, was interrogated as follows:

By the CHAIRMAN:

Question. You have been an Indian agent, have you not?—Answer. Yes, sir.

Q. At the Osage Agency?—A. Yes, sir.

Q. Have you been an Indian agent at any other place?—A. No, sir; at no other place.

Q. How long were you agent at the Osage Agency?—A. From July, 1878, until September, 1885.

Q. About seven years?—A. Yes, sir.

Q. What is your present residence?—A. Arkansas City.

Q. What is your employment or occupation now?—A. I am merchandising.

Q. You of course know the law and the system in regard to the appointment of Indian traders, do you not?—A. Yes, sir; I am familiar with it somewhat.

Q. You know that they are licensed for a year; that their licenses are supposed to expire at the end of the year, and are liable not to be renewed?—A. Yes, sir; I am aware of those facts.

Q. Do you think that is the best system that can be adopted for controlling trade with the Indians on the reservations?—A. No, sir; I do not.

Q. What do you think would be a better plan?—A. If you will allow me to explain my views on that subject I will do so.

The CHAIRMAN. I should be glad to have you do so. I have called you as a witness because I know that from your long experience as an Indian agent you must have some ideas upon the subject which we should be glad to know. Will you please state, in your own way, what you care to say on the subject?

The WITNESS. There has been a difference of opinion always, so far as I have known, as to the construction of the old law in reference to Indian traders. The first experience I had in connection with it was soon after I entered the service. It would seem that the Indian Office held the absolute right to place as few or as many traders at the agency as they pleased. That was under Mr. Hayt. When I went to the Osage Agency there were two traders; one had failed and another was appointed from Nebraska who did not commence trading except nominally. But in the winter of 1878–'79 he went to Washington and there made an arrangement by which he sold his franchise to the other trader for a consideration, and under the tacit agreement, as he claimed, with the Indian Office, that he should be the exclusive trader at the agency.

But under the old law it was recognized that an agent must recommend a trader before he would be licensed; in fact, that was one of the clauses of the law, and the Indian Office asked that he secure the recommendation of the agent before that arrangement would be permanently made. I was in Washington at the time, and the trader who had bought the franchise, and had already one trading post, came to me, and at the same time there came a General McNeal, who was an Indian inspector. McNeal and myself both decided that it was not a good thing to do and that we would not recommend the matter. So we both went to the Indian Office and opposed the granting of a license to a single trader at the Osage Agency.

Now the construction I speak of is this: Under the old law it says a person of a certain character, filing the necessary bonds, can be allowed to trade, and the liberal construction that was placed upon that was, that *any* person filing the necessary bond and desiring to trade with the Indians would be allowed to trade with them. That was the broad construction.

The conservative construction of the law was that it was nominally under the control of the agent and the Indian Office, the Indian agent to recommend and the Indian Office to approve. I will say that, so far as I know, the general construction which I always placed upon the law, that any person could be allowed to trade if he would file the necessary bond, was carried out at the Osage Agency, with the exception of an application which was made, first, by Skinner and Rogers, to establish a trading post outside of the agency, and I gave Skinner and Rogers my reason for not recommending the license.

Q. Do you mean a license to trade at Gray Horse?—A. No, sir; they asked for a license to trade on the Arkansas River south of Gray Horse. Afterwards there was a license asked for to trade at Gray Horse, in regard to which I gave the same reasons I had given for not approving the other license. With those exceptions, I think every license applied for at Osage received the recommendation of the office, and all were granted, and all opened trade except one.

The Indian Office, perhaps in 1881, granted one license without referring it to the agent, and in that case I thought it would be prejudicial to the agency, and I asked that the license be revoked, and it was revoked by the Indian Office. The reason I had for that was the simple fact, in the first place, that I did not consider that the granting of a license should be a valuable franchise for the benefit of individuals, as

I believed that the opening of trade was the proper means of getting the Indians the competition that was necessary.

Q. Now let me ask you this question: What reason exists in the Indian Territory why their trade should not be subject to the same laws as it is everywhere else, and that as many traders should go into the business as see fit to do so? In Arkansas City any man may come and open a store. What condition of things exists in the Indian Territory to alter this, and why should not every man be permitted to go there and open a store, provided his character is ascertained in some way to be good?—A. I think he should, but still I think the granting of a license is necessary from the fact that it places a man under certain restrictions and it is a protection against traders crowding in there who are unfit to be in the Territory. In other words, it places them under restrictions to the Indian Office to not enter into a trade that is contraband.

Q. Do you think that every man who desires in good faith to invest his money in the enterprise should have a license to trade if he is a man who bears a proper character?—A. Yes, sir; that is the construction I have put on the law; that is the idea I should have of the way the Indian trade should be conducted.

Q. And his character is to be ascertained, of course, by the recommendations of his fellow-citizens and the indorsement of the agent?—A. Yes, sir; to the Indian Office.

Q. If that were the law would there be more people crowding into the agency to trade than the trade would warrant?—A. I think not.

Q. In your opinion it would insure the competition which exists outside of the Territory, and the result would be fair prices for the goods sold?—A. Yes, sir. To illustrate, if a man received a license to trade, and he wanted to trade at the Osage Agency, the license not being a valuable consideration, any other person could get a license to trade there, and if he went to the agency and found there was not trade there sufficient to warrant his going there, he would stay away and not invest in trade.

Q. And if he wanted to buy out any one who was trading there, he could arrange with that trader to buy him out on equitable terms?—A. Yes, sir; that was frequently done while I was there.

Q. But supposing the license to be a valuable franchise and a newcomer wants to purchase of somebody already there, can he then negotiate on even terms in regard to it?—A. No, sir; I should think not.

Q. We are told that in military circles the post trader who succeeds another has to purchase the stock on hand at an appraised valuation?—A. Yes, sir; that is so.

Q. What do you think of that idea, if the present system is continued? Do you think that would be a good arrangement?—A. Yes, sir; I should think it would be entirely fair for both parties.

Q. Do you think that Indian traders ought to be changed on account of their political opinions?—A. I never presumed at all that it was a political matter.

Q. Is there any more reason for changing a trader in the Indian Territory because he is a Republican or a Democrat, as the case may be, upon the change of an Administration than there would be to do it in Arkansas City?—A. There might possibly be some more excuse for it, but I think no more justice in it. I would place it about this way: I would suppose there was no more reason for changing a trader at an Indian agency than there was for discriminating in favor of or against a man because

of his politics in the letting of contracts for supplies for the Government service.

Q. Well, to get back to my question. I think it would strike everybody as a proposition not to be entertained for a moment, that if the Republicans carried the election all the Democratic traders in Arkansas City should be forced out to make room for Republicans. They would not like that, would they?—A. Probably not.

Q. Is there any more reason for forcing them out in the Indian Territory, on that account, than there is for forcing them out in Arkansas City?—A. No, sir; I do not think there is, under the law.

Q. I am not speaking about the law, but I am speaking about it as a matter of justice. In other words, is there anything in the condition of affairs in the Territory which makes it necessary to have the people there, who are trading with the Indians, of the same political opinion or persuasion as the existing Administration?—A. No, sir; I should not think it was necessary at all.

Q. It is simply a question of honesty, character, and enterprise?—A. Yes, sir.

By Senator BLACKBURN:

Q. There is this difference, though: No Department of this Government, I believe, has the right to appoint the merchants of this city, but they do have the power to appoint and designate the traders who shall be allowed to trade in the Indian Territory?—A. Yes, sir; under the construction of the statute.

By the CHAIRMAN:

Q. It would be tolerated in Arkansas City or in Wichita that the Administration should appoint the traders in those places, would it?—A. No, sir; I presume not.

Senator BLACKBURN. Do you mean the merchants?

The CHAIRMAN. Yes.

Senator BLACKBURN. Neither your Administration nor ours ever claimed the right to do that.

The CHAIRMAN. What is there in the nature of things which makes it any more proper for the Government to do it in the Indian Territory than in Arkansas City?

The WITNESS. I do not think there is anything; that is my opinion.

Q. The Indians are supposed to be the wards of the Nation, and it is supposed to be the Nation's part to see that they are not imposed upon, and, as I get at your opinion, that is the only reason why the Government should exercise any supervision over the matter at all?—A. Yes, sir.

Q. Then unless an Administration sets down all traders who do not vote and agree with the Administration as absolutely bad there is no reason why they should put in men belonging to their party only to fill these traderships, as far as I can see. Suppose a license is to be issued for a definite time, do you think one year is too short a time; in other words, would a longer time be more desirable, of course there being the element to be considered that there could always be a suspension for misconduct?—A. As I always recognized or understood the law, I do not think it would make much difference; but if it was understood that a man's time was absolutely out at the expiration of his license, and that there was no chance for a renewal, a longer time certainly would be more desirable.

Q. If an Indian trader supposed that he could only trade one year on a reservation at an agency, and at the end of that year his trade would

absolutely cease and somebody else would take his place, would anybody go there?—A. I hardly think they would. I can answer that only by giving my opinion. I should not want to take a license under those conditions at all.

Q. While you were agent on the Osage Reservation I believe you were never in favor of the establishment of outside stores.—A. No, sir; I never was.

Q. You think all the stores should be conducted at the agency proper —A. Yes, sir.

Q. What are your reasons for that?—A. The reason I always urged in favor of it was that the trade was supposed to be directly under the control of the agent, while to have trading stores 25 or 30 miles away from the agency practically took them out from under the supervision of the agent; and that as the agency was centrally located, and the agents were all men of leisure, their wants could be accommodated without loss of time, and the Indians naturally all come to the agency. But the greatest reason was that in locating outside stores it took them away from the agency and away from the supervision of the agent, practically.

Q. And also kept them away from the Government influence at the agency?—A. Yes, sir.

Q. That must necessarily be so, must it not?—A. Yes, sir.

Q. An Indian has leisure, and while it might be an inconvenience for him to come to the agency, you think at the same time it would be a benefit to have him come there?—A. I do not think it is any disadvantage at all for him to come.

Q. Is it possible for an agent, located at the agency in the Osage Reservation, to have the same supervision over the Indians when they do not come to the agency to trade, as he can have when they do come there to trade?—A. No, sir; he would not see them as often, and of course could not have the same influence over them.

Q. When stores are located at Gray Horse and Hominy Creek, in what way can an Indian agent be brought into relations with the Big Hill and Hominy Creek Indians?—A. I suppose they come in regularly to payment at the agency twice a year, and that would be the only time he would see them, unless he went to the places where they live.

Q. If he went to see them, unless he gathered them all in at the stores, he would have great difficulty in seeing them?—A. Yes, sir.

Q. That is to say he would have to travel about to the different places where they were located?—A. Yes, sir.

Q. I think you recommended the granting of a license to Bartles & Wismeyer to trade at Gray Horse, after the other store was established there?—A. Yes, sir.

Q. Was that an indication of your being in favor of having any store there at all?—A. No, sir; and I think nobody reading the recommendation would so construe it.

Q. When did you go out of the service?—A. On the 15th of September, 1885.

Q. You were there, then, several months after the time when General Atkins became Commissioner of Indian Affairs?—A. Yes, sir.

Q. Did you make any representation of your opinions on this subject concerning which we have been talking to Commissioner Atkins—the question of outside stores?—A. In the spring of 1885 there was a report asked for in detail in reference to the trade at Osage Agency. I can only give, casually, my recollection of that report, but the basis

of my report, as I remember it, was this: The Indian Office asked for a report of the number of traders located at the agency, the value of the improvements they had made, the amount of the stocks they carried, and a general report of the trade at the agency. In that report I tried to be very careful and give as nearly the true valuation of the property as I could, as I ascertained it from the different traders, and also in regard to the amount of stock they carried. Either in that report, or in a prior or subsequent report on the subject, I said that I would not take the responsibility of recommending that the traders' store at Gray Horse should be abandoned, or that the loss that would be necessarily incurred by the abandonment of that store should be made. But I clearly indicated to the office, all the time, that I believed the establishment of a store there in the first place was a mistake. The reason I took that position was because the granting of the license at Gray Horse was a matter that had been acted upon directly by the Indian Office. I had refused to recommend the granting of such a license, for the reasons I have already stated. But the applicants went to the Indian Office and received their license direct. Of course the Indian Office had a perfect right to grant the license under the law, without any reference to the agent, and I took the ground that it would be insubordinate for me to censure the Indian Office for an act of their own, and on that ground I would not assume the responsibility of saying to the Indian Office that that store should be removed. All I said was that I thought the establishment of stores outside of the agency was a mistake.

You have asked me about the other license which I did recommend. In the recommendation of this other license, mention was made of the fact that if that store was to be maintained I thought it but justice that other traders should be permitted to go to the same place; that it would be an unjust discrimination if one man should have the exclusive trade at Gray Horse.

Q. Can anybody carry on any trade or occupation in the Indian Territory, upon any Indian reservation, without the permission of the Commissioner of Indian Affairs; or is there anything anybody can do in the Indian Territory, in the way of business, without first obtaining permission from the Commissioner of Indian Affairs?—A. I do not think there is anything that would be considered a business that could be carried on there without his permission, unless a man was a citizen of the Territory.

Q. When you speak of citizens of the Territory I suppose you mean the full-blood Indians?—A. Yes, sir.

Q. They can trade without a permit?—A. Yes, sir.

Q. But a person who is not a full-blood Indian cannot pursue any occupation in the Territory without permission of the Indian Bureau?—A. No, sir; he cannot, as I understand the law.

Q. If the Indian Commissioner is properly informed and exercises proper judgment in the matter, that is all right; but suppose he is misinformed, does it not give a great opportunity for injustice to be done?—A. Yes, sir.

Q. Does it not have this effect, to make everybody who pursues any occupation in the Indian Territory feel that he is dependent on the will of the Commissioner at Washington for permission to continue his occupation?—A. Yes, sir; undoubtedly.

Q. And can a man be independent if he feels in that way?—A. Not entirely so, I should say.

Q. Is not this just the difficulty in the matter, that persons who are there, feeling their dependence upon the will or the whim of the Commissioner, either one, lose to a certain extent their self-respect and independence?—A. It is rather a humiliating position to be placed in.

Q. Any person who is pursuing an avocation there is constantly liable to be misrepresented by his rivals in business, is he not?—A. Yes, sir.

Q. I would like to inquire as to the prices that were charged by traders at the agency when you were there. Were traders then obliged to post up in their stores a schedule of prices allowed by the Indian Office?—A. Yes, sir; of the leading articles.

Q. And that was approved by the agent?—A. Yes, sir; they were required to put up a schedule of prices and submit it to the office.

By Senator BLACKBURN:

Q. To which office?—A. To the agent's office, and the agent was supposed to forward it to the Indian Office.

By the CHAIRMAN:

Q. The regulation required that it should be submitted to the agent for the information of the Indian Office?—A. Yes sir. Let me explain a little here in regard to it, inasmuch as I was one of the violators of the law and the instructions, although I think I stand probably on the same footing with every agent who was in the service at that time, and probably the same rule applies to every agent in the service to-day. Some regulations emanating from the Indian Office with reference to trade with the Indians were published in pamphlet form. That publication I first saw when I had been in the service probably about two years, and so far as I know the regulations were recognized as so entirely impracticable that I never heard of an agency where they were complied with. I understand from outsiders that portions of those same instructions, probably in a modified form, have been required to be complied with under the present Administration. Possibly agents are a little more particular in complying with them than they were before, but I venture the assertion that there is not an agent in the service of the United States who is actually complying with the technical rules of those instructions.

Q. Is it not impossible for them to do so?—A. It is impracticable; I will not say impossible, for all things are possible.

By Senator BLACKBURN:

Q. In what respect do you regard them as impracticable?—A. I will refer to one of the instructions as an illustration: Under the old regulations one of the requirements was that when a trader bought a bill of goods he should transmit a copy of the bill to the agent's office showing the price at which the goods were bought, in another column the price at which he proposed to sell the goods, and that the agent should forward the same to the Indian Office with his recommendation as to what he considered the proper percentage of profit, and that the trader shall hold the goods so purchased in abeyance until the Indian Office passes on the question of the amount of profit that should be allowed on the goods, which decision should be returned again to the agent, and if it is approved by the agent, having been approved by the Indian Office, he can proceed to sell the goods.

Q. Are you quite sure now that you are quoting that correctly?—A. That is as I remember the instruction.

Q. In that case the agent was superior to the Commissioner of Indian Affairs?—A. Not at all.

Q. Because after the Indian Office at Washington had approved it, it still did not go into effect until the agent on the ground approved it?—A. No, sir; the agent forwarded it to Washington with his approval or disapproval.

Q. Then, if the Indian Office approved it, it did not make any difference whether the agent approved it or not?—A. No, sir; he simply transmitted it through his office.

Q. What was there impracticable about that?—A. The impracticable part of it was the time that it required in order to do that kind of business with an office a thousand or twelve hundred miles away. It would take the mails thirty days to get around, and with the amount of work that was on hand in the Indian Office it caused great delay.

Q. You say that it takes thirty days to get a mail from here to the Indian Office?—A. Very often it took thirty days, and the probability is that the regulation was ignored by every Indian agent in the service.

By the CHAIRMAN:

Q. What was the nearest railroad station to the agency when you went into the service?—A. Coffeyville, which was 65 miles distant. I understand that similar rules to the ones I have described either have been or are proposed to be put in force by the Department now. I would simply express the opinion that they are impracticable.

By Senator BLACKBURN:

Q. Have you seen the rules you speak of?—A. No, sir; I have not seen them.

By the CHAIRMAN:

Q. Suppose the rule to be this: That a schedule is issued from the Indian Office at Washington, stating the profit which may be charged on certain lines of goods, specifying the lines of goods and the amount of profit which may be charged on the different classes of goods, and that the trader must conform to that schedule of prices, do you think it is possible, at an agency like the Osage Agency, for the Indian agent to know whether the traders do conform to it in all respects or not?—A. No, sir; I do not think it is possible for him to know whether they conform to it or not.

Q. Do you think that is to any extent an improvement on the old system so far as it affects the prices charged the Indians?—A. I could not say as to that, for I do not know the practical workings of it.

Q. What is the distance from Washington to the Osage Agency, as near as you can state?—A. I think it is about 1,200 miles.

Q. Does it not occur to you that is is rather a difficult undertaking for a man sitting in an office at Washington to run a store, or direct how a store shall be run, in the Indian Territory?—A. I have no disposition to censure the office in any way, but I will say this, that I think competition is by far the best remedy for the present condition of affairs.

Q. If a man has never had any practical experience with the Indians, or with the trade on a reservation, must it not be a very difficult thing for such a man, as Indian Commissioner, to gather up and understand the true condition of things at the various agencies?—A. Yes, sir; it must necessarily.

Q. And he must depend very largely upon the agent, I suppose?—A. Yes, sir.

Q. And suppose the agent goes wrong, who is going to watch him?—A. The inspector.

Q. But supposing the inspector goes wrong, who is going to watch him?—A. The special agents. The special agents come in first, I believe.

Q. And after you get past them, who is to determine about it?

Senator BLACKBURN. The Indians, I suppose.

Q. Upon the whole, the poor Indian is likely to suffer, is he not, if he is a poor Indian?

The WITNESS. Do you mean in trading?

The CHAIRMAN. In trading, and in all respects.—A. I will say to you, Mr. Senator, from the little experience I have had with the traders down there, that no one ever need be greatly alarmed about the capacity of an Indian to take care of himself in trade if there is good competition.

Q. The only trouble, then, is the danger of a monopoly in trade?—A. That is the only difficulty. They will buy goods and get flour aud calico as cheap as anybody who comes to town if there is competition. We have them in town here every day and we know that from experience.

Q. They will drive a sharp bargain?—A. Yes, sir.

By Senator BLACKBURN:

Q. What are the duties of an Indian agent on a reservation; I ask for information?—A. It is pretty hard to define them.

Q. You said, in answer to a question by the chairman, that it was impossible for the agent to know whether those outside stores, the stores other than those at the agency, conformed to these general regulations in regard to the price of goods or not?—A. Yes, sir.

Q. Why is that?—A. If the stores were at the agency he comes in contact with the Indians daily, has easy access to the stores, and can see their operations there daily; they are under his eye, so to speak.

Q. Is it not his business to go to the stores wherever they are located? He might as well travel that 25 miles as to have five hundred Indians do it.—A. An agent has not time to do all those things.

Q. That is what I am trying to find out; what keeps him so very busy?—A. The amount of work that an agent has in his office, and the character of the work, consumes a great deal of time.

Q. That is what I am inquiring about, for I have not been able to find that they do a blessed thing in the world, and I want to ascertain from you what they do.—A. Well, in the first place, there is a system under which the agent has to work. I think an Indian agent should know the contents of every paper that goes in or comes out of his office. That of itself is more work than an agent can do if he scrutinizes every official paper that comes in and out of his office and passes upon it and understands it.

Q. How many official papers, on an average, pass through his office in a day?—A. I could not give you an estimate as to the number. While I was there I had three clerks.

Q. Would it average a dozen official papers a day?—A. Yes, sir; I presume so.

Q. Would it average twice that number?—A. Probably not twice that number.

Q. My mail averages forty letters a day, I reckon, and that is a very small part of the work I am presumed to do, and I am not given

much credit for doing it, either. Now, as agent, you had three clerks?—A. Yes, sir.

Q. What was it that kept you four gentlemen so busy all the time that you could not go to the store at Gray Horse or the one at Hominy Creek?

The WITNESS. How often?

Senator BLACKBURN. Well, say three times a week, or once a week, or once a month. I should have thought you could have gone once a day. It seems you wanted those five hundred Indians to come over there to buy a pound of soap or a pound of flour.—A. I visited every camp in that reservation, I think in 1874. It took me six weeks to do it. At annuity payment time it probably takes constant work for thirty days at the agency.

Q. In paying them off?—A. In preparing the pay-rolls, making the payments, and adjusting those things. In the early part of the administration of my office, while I was there, one day in the week was set apart for the settlement of difficulties with Indians.

Q. Do you mean difficulties between themselves?—A. Yes, sir; difficulties between themselves. Two days in the week were set apart for the issuing of rations belonging to them. That was during the early part of it. Later, there was the superintending of the constructing of houses on the reservation, and the looking after the school and interests of the school.

Q. But they have a school superintendent now to do that?—A. Very well; he is supposed to be at the school-house every day.

By the CHAIRMAN:

Q. He is under the supervision of the agent, is he not?—A. Yes, sir. Prior to the establishment of the law in reference to scholars, I think I may safely say that I spent three months in every year in soliciting scholars for that school.

By Senator BLACKBURN:

Q. The agent does not have anything of that kind to do at present, does he?—A. I could not say; they did not when I was last there.

By the CHAIRMAN:

Q. There is no compulsion that they shall go off to outside schools now?—A. No, sir.

By Senator BLACKBURN:

Q. Was that a part of your business as agent, to solicit pupils for the school?—A. I made it a part of my business.

Q. Did the law make it a part of your business?—A. The law is very indefinite.

Q. It does not say anything about it, does it?—A. No, sir.

By the CHAIRMAN:

Q. Does not the law make it the duty of the agent to look after the welfare of the Indians in all respects?—A. Yes, sir; it does.

By Senator BLACKBURN:

Q. Tell me, when was this store first established at Gray Horse?—A. I do not believe I can give the date.

Q. Was it before the present administration under Commissioner Atkins came in?—A. Yes, sir.

Q. It was established while you were agent there?—A. Yes, sir.

Q. Did you ever recommend a removal of it?—A. I do not think I did.

Q. There was not any effort made by anybody to get a license for a trading store at Hominy Creek whilst you were there, was there?—A. Yes, sir.

Q. What did you do about that?—A. I did not recommend it. It was just beyond Hominy Creek.

Q. Who was it that tried to get that license?—A. Mr. Skinner and Judge Rogers.

Q. And they failed?—A. They stopped right there; they did not go beyond the office at all.

Q. But afterwards Hale & Phillips got it?—A. I understand so; that is since I left the agency.

TESTIMONY OF DAVID T. LITTLE.

DAVID T. LITTLE, having been duly sworn, was interrogated as follows:

By the CHAIRMAN:

Question. Your name is David T. Little?—Answer. Yes, sir.

Q. And you were a partner with your brother, W. R. Little, in the tradership at the Sac and Fox Agency, were you not?—A. I was not a partner; I was a clerk in his employ.

Q. To whom was the license issued?—A. W. R. Little and Brother, D. T. Little, at the time they were issued, but I never had a dollar in the business. I was a clerk when I first got there, and we put them in as for both. I thought I would go into the business after finding out how the business ran, and the first year ran out and then I thought I had better go on and take hold of it some time again, but finally never put a dollar in the business.

Q. Was there at that time any regulation, so far as you know, that a trader should make an affidavit that no one was interested with him in the business?—A. I was not interested in the business at all. The reason my name was on the application was, I supposed I would apply most any time during the year, but I did not do so.

Q. You contemplated, when the license was issued, that you might become interested, but you did not become interested?—A. Yes, sir; that is so.

Q. You remember when the license which was given to your brother expired?—A. Yes, sir.

Q. Do you remember anything of the McClungs, one or two brothers, coming there to make a bargain with your brother for a tradership there?—A. Yes, sir; I do.

Q. When did they come?—A. I think they came in October.

Q. After the expiration of the license?—A. Yes, sir.

Q. And while an application was pending for its renewal?—A. Yes, sir.

Q. Did you know of any bargain between them and your brother?—A. Yes, sir.

Q. Were you present when it was made?—A. I was present while part of it was made, most all of it. During some of it I was busy and could not attend all the time.

Q. Were the McClungs both there at the time the bargain was made?—A. Yes, sir.

Q. One of them lived in Tennessee and the other in Texas?—A. Yes, sir; the oldest one, I believe, lived in Texas.

Q. Did either of them represent himself to be a friend of the Commissioner of Indian Affairs?—A. They said that either they, or their father, was an honored friend of the Commissioner's. I do not remember whether it was themselves personally or their father, but it was one or the other.

Q. They represented either themselves or their father to be a friend of the Commissioner's?—A. Yes, sir.

Q. What bargain was made between them and your brother, if any?—A. They staid there several days and looked around, and finally told us their business. They were there a couple of days, I guess, before they told us their business. They showed some letters they had with them. I did not see the letters myself; at least I did not read them.

Q. Who were the letters from, as you understood?—A. I understood they were from the Commissioner of Indian Affairs. They agreed to buy the property and take possession the first of January.

Q. On what terms?—A. They were to pay cost and carriage for the stock and pay for the buildings.

Q. Was the price which they were to pay for the buildings agreed upon at that time?—A. I believe it was.

Q. This was in October?—A. I think it was in October; yes, sir. It was at the time that the Commissioner of Indian Affairs and the committee had passed through that country. The Commissioner happened to be there while McClung was there.

Q. Had the bargain been made before, or after, the Commissioner came there?—A. The bargain had been made the day before the Commissioner came in, and they were going away the next day, and we heard that the Commissioner would be in the next day, and they said they would stop over and see him.

Q. Do you know whether the Commissioner was apprised of what they had done?—A. Yes, sir; he was; at least they so reported to us.

Q. Did they go up to the hotel to see the Commissioner?—A. Yes, sir.

Q. And informed you that they had told him they had made an arrangement to take the store the first of January?—A. Yes, sir; and that evening we received a paper from Bloomington, Illinois, a paragraph in which stated the news of Mr. Eddy's appointment at the Sac and Fox Agency. That was while the Commissioner was there, and we showed it to the McClungs.

Q. Who showed it to the McClungs?—A. I showed it and my brother did, and he took and read it, and he said, "Boys, there is nothing in that; I will see about it"; and he took the paper and was gone about an hour and a half (it was in the evening), and he came back and said to my brother not to be worried; "the Commissioner", he says, "says that shall be changed. He says we will hold this place, and you go ahead and keep your stock up, and we will be here the first of January".

Q. McClung said that?—A. Yes, sir. He says, "Although Eddy may have his license, we will get our license here. The Commissioner has told us he will move him either to Shawneetown or Wellstown."

Q. The Commissioner told the McClungs that Eddy should go to Shawneetown or Wellstown?—A. Yes, sir; and that they should have this place; that is what they came and told us that evening.

Q. The McClungs went away and the Commissioner went away?—A. The McClungs went away the same morning about an hour or an hour and a half after the Commissioner left.

Q. Did you ever see the McClungs after that?—A. No, sir.

Q. What was the course of business after that; what did you do then?—A. We went along with our business as usual.

Q. How long was it before Eddy put in an appearance?—A. About five or ten days after the McClungs had left.

Q. What did Eddy say?—A. Eddy came in on Saturday night and I saw him on Sunday. He came down to the store and I was outside. He said he was very sorry, as he understood we had made an arrangement to sell out to the McClungs. I told him that my brother had. He said he was very sorry. He said he had a license to trade there and he would be the only licensed trader that would be there. He said he thought we had made a bad break by selling to the McClungs, but he would like to help us out if he could; that if he had been there in time he would have made arrangements with us that he thought would be satisfactory, and so that we would get out of it in good shape. I asked him about what arrangement he would have made. First, he asked me if they had paid anything down on the purchase. I told him I did not think they had. He said, "I will pay you $500 down now, if you will back out of that;" he says, "I would rather have this position that you boys have here than to be where Whistler, Pickett & Co. are." They were a little out from the street off where business was done mostly. I told him that I did not suppose we could do anything, as we had made an arrangement with the McClungs and intended to stick to it; that I supposed they were men of their word and that we intended to be the same. He said he could make an arrangement with us; that if there was no money paid it was easy to back out of it. He said he could fix it; that he could buy one-third or one-half. He said he would not stay in the Nation. He told me, "I would not stay here; I have other business coming off this fall far superior to that of an Indian trader, and I would not stay here for the trade." He said, "I want to get a good man to run my business and I will either put in one-half or one-third." I told him that we could not do it; that we had made an arrangement with the McClungs. Finally he went into the store and repeated the same thing over to my brother, and was in the store afterwards.

Q. Did he say anything about any arrangement by which he would put in his license and not put in any money; did you hear that?—A. He said we could pay him so much for the use of the license, or arrange it as we wished; that we could pay him for the use of the license and we could run it in his name, and that he could come down every payment and see how things were going along.

Q. Did he state how much he thought he ought to have if you ran it under his license?– A. No, sir; he did not state, as I remember.

Q. But he would buy one-third or one-half, or let you run it under his license?—A. Yes, sir; "Or," he says, "I will buy it all, and hire you boys to run the business for me."

Q. He was ready for any kind of a proposition?—A. He appeared to be ready for anything. He tried to give me a little game of talk about the other traders trying to get the start of us all the time, and said if there was any other way to help us out he would do it. He meant Whistler, Pickett & Co. I understood.

Q. None of his offers were accepted?—A. None of his offers to me or my brother were accepted.

Q. Because your brother had agreed to sell out to the McClungs and had told the Commissioner about it?—A. Yes, sir. He came to me the same evening and asked me if the McClungs had applied for the post-

office which we had in the store at the time. I told him I did not think they had. "Well," he says, "I will get that."

Q. And he did get it, did he not?—A. Yes, sir; he said he had a friend named Oberly, I believe, and another gentleman that he said would get him what he wanted.

Q. He said he had a friend by the name of Oberly, and through him he could get anything he wanted?—A. Yes, sir; through him and another gentleman from Illinois somewhere, I forget his name.

Q. Did you understand, then or now, that this Oberly, who was his friend and through whom he could get anything that he wanted, was then superintendent of Indian schools, stationed at the Department?—A. Yes, sir; I afterwards inquired who this Oberly was and my brother knew and he told me.

Q. You made no bargain with Eddy, nor did your brother. What did Eddy do, so far as you know?—A. At that time he went off to the cattle range and staid a few days at the Pawnee; he staid there a day or so and came back, and on the following Sunday after he was there he and Whistler fixed up and drove off to take a ride, and that afternoon we held a council in the store-room above the store, and on Monday morning I heard that he had bargained to buy the store out, but their time I believe was to expire the 1st of January, and he went off and staid until the 1st of January.

I believe he came back on the 2d of January, or somewhere along there, just before the payment came off. He came back and said that he was to take possession of the store as soon as the payment was made, and that we had to close; that he had letters in his pocket to that effect. He told the Indians and our clerk that we were off; that our time was up the 1st of January and the McClungs were not going to take the place.

We were closed the 1st day of January and staid closed until the 5th. The payment came off on the 4th or 5th, I think. We were closed, and the Indians had come around and asked what was wrong. We were trying to keep things going until the 1st, thinking the payment would be made about the last of the month and we would try to get what money was out and owing to us. But the 1st came, and the agent was away after the money at Saint Louis, and my brother and the agent had written for an extension of time for fifteen, twenty or thirty days, I do not know which it was, until the payment would be over; that he could not get around with the money in time.

Well, the agent did not get back, I think, until the 2d of January, and we closed on the 1st, and the payment came off I believe on the 5th, if I am not mistaken. The agent came down in the morning and told us that he had not received anything from the Department and could not understand what was the matter.

Q. What morning was that?—A. The morning before the payment was to come off, or the night of the 4th, I think it was. We were very anxious about it.

Q. Who was the agent?—A. Agent Neal. He came down in the morning of the 5th, the morning of the payment, and he says, "Boys, I will take the responsibility on myself for to authorize you to open up and collect in the store at any rate."

Q. He told you, then, when you were to open up, that he had the money for the payment?—A. Yes, sir. He came in with the money for the payment a couple of nights before, and said he would take the responsibility of letting us open the store and collect in the money.

Q. Then, what had not come the night before was the commission?—A. Yes, sir; they had not received permission from the Department, but he took it upon himself to authorize us. So we opened up that day and collected.

Q. Right there let me ask you this: Do you know whether Eddy tried to influence the Indians not to pay you?—A. Yes, sir; he did. He told them that he was the trader there and we had to leave. He also did the same thing last July; he went right into the council and told them.

Q. How long did Eddy stay there then?—A. They took the invoice, I think, along about the 12th or 14th. They commenced about the 12th. I had not anything to do; our store was closed, and the post-office was over there; Eddy had got it.

Q. Eddy had got the post-office?—A. Yes, sir.

Q. And had a clerk?—A. Not at that time.

Q. The post-office used to be in your store?—A. Yes, sir.

Q. He had a friend in the Post-Office Department, too, apparently?—A. Yes, sir. They commenced about the 12th, if my memory serves me right, and they ran over the invoice. Eddy was not in the store; he did not pay much attention to the invoicing. He was very slack, I thought, for a man who was going in to buy eight or nine thousand dollars' worth of goods. He let Whistler's men do the invoicing, and once in a while he would go in and help them an hour or so and then was off again, and he left there the 18th or 20th of that month.

Q. My attention has been diverted for a moment. You say that Eddy did not pay much attention to the taking of that invoice?—A. Not as much as I think I would pay to it, or any other man who was really buying into the interest.

Q. How much of an invoice was it, altogether?—A. I think it invoiced him between six and seven thousand dollars.

Q. And he let Whistler, Pickett & Co. take it about as they pleased?—A. Yes, sir.

Q. Did they take it carefully?—A. They appeared to run over it very quickly and were not as careful as I have seen it done.

Q. How much longer did Eddy stay after that?—A. He staid until the 18th or 20th and then he left.

Q. When did he next come back?—A. He came back about the 29th of June or the 1st of July, somewhere along there; about the 27th of June, I think, because we had a payment in July.

Q. Were you there all the while from the time when Eddy left, about the 19th of January, up to the 1st of July following?—A. Yes, sir.

Q. Was Eddy there at all?—A. I never saw him there, and no one else did.

Q. Could he have been there and you not have known it?—A. I do not think so. I was at the store twice a day and sometimes three times a day, and the clerk that he sent there was in the post-office for the first two months.

Q. He sent a clerk there who went into the post-office?—A. Yes, sir.

Q. Did the clerk do anything in the way of selling goods?—A. Not for about a month or two months; he was a delicate man.

Q. At the time this invoice was taken with Eddy, were all the goods of Whistler, Pickett & Co. there, all that they had had, or had some of them been taken away by Gibbs?—A. I could not say.

Q. Was it before or after Shaw opened up at the Gibbs place?—A. I could not say there were any goods taken from the Whistler, Pickett & Co. store to Shaw's store; I never saw any taken there.

Q. Was it before or after Shaw opened at the Gibbs place that this invoice was taken?—A. It was before.

Q. It was taken before Shaw opened at the Gibbs place?—A. Yes, sir.

Q. And you do not know whether any goods were taken from the Whistler, Pickett & Co. store up to the Gibbs place or not?—A. No, sir.

Q. You know that Gibbs was a partner there, do you not?—A. Yes, sir.

Q. Now, while Eddy was gone, how did the business go on at the Whistler, Pickett & Co. store?—A. It went on just the same as when Whistler, Pickett & Co. had it. There was no change in the clerks except there was one there that Eddy had sent there. He had charge of the books, I guess, through June, and after there was some complaint and some talk around the agency there about how Eddy's head clerk had nothing to do with the business, they finally made some change and he took charge of the books, I think, about June, maybe a little before, but not much.

Q. Do you know what your brother sent on to Washington by way of affidavit about this matter; whether he sent to Washington an affidavit that Eddy was not there, and that Whistler, Pickett & Co.'s business appeared to be going on just as it was before?—A. Yes, sir; he sent such an affidavit; at least he left it to the agent to send off, I believe. I remember it well enough.

Q. Do you know whether that was the reason given to your brother why he did not receive his appointment after the McClungs disappointed him? If you do not know of your own knowledge you need not state.

(No response.)

Q. Did you ever see a letter from General Upshaw in regard to the matter?—A. Yes, sir; telling him that his license would not be granted on account of his making misstatements or misrepresenting the affairs of Eddy at the agency; that he had told falsehoods in the matter, and on that ground he would not receive any license.

Q. The goods of Whistler, Pickett & Co. finally all went up to Shaw's store, did they not?—A. Yes, sir; on the 1st of July they commenced to remove them.

Q. That is the time that Eddy came there the second time?—A. Yes, sir.

Q. What members of the Shaw family were at that store then?—A. At the Shaw store there was W. B. Shaw and Edward Shaw.

Q. Did you ever hear either of the Shaws say that their father was so near the Commissioner that they could do about what they had a mind to there, or anything of that sort?—A. Yes, sir; I heard Edward Shaw say so.

Q. What did he say?—A. He came to me at the time we were expecting to hear promptly from the McClungs, or my brother was; Ed. came to me and told he me, kind of secretly, says he: "Will. has a license to trade here"—that is his brother. I says, "Is that so?" and he says, "Yes; it came in to-night. He received a telegram from Miss Cook last week, and from father, asking him which he preferred, a trading store at the Sac and Fox Agency or at Wellstown," and he said that his brother telegraphed back that he preferred the Sac and Fox Agency, and," he said, "to-night our license came in." Says I, "How did you happen to get it?" "Why," he says, "father can get them; he says he was in the Department when McClung was there, and McClung and the Commissioner had a good deal of trouble," he says, "about their

not getting this trading post here, as they had been promised, and he had given it to Eddy, and they said they would not have any trading post if they could not get the one at the Sac and Fox Agency. He had offered them one in Wyoming, or some place in the North, and they said no, if they could not get the one they were promised first they would not have any, and," he says, "Atkins turned around and says, now, Mr. Shaw, what can I do for you? And the old gentleman told him what he would like to have, a trading post for the boys, and he got it." I said to him, "I wonder if my brother can't strike the old gentleman and get one too?" He said, "You might write to him." His father had been out the fall before.

Q. Did he or not say anything about his father's intimacy with Commissioner Atkins?—A. He said he was very intimate with the Commissioner.

Q. Did he tell in what the intimacy consisted?—A. No, not that I remember.

Q. Whether there was any relation between them or between their families?—A. No, I believe not.

Q. Have you at any other time heard either of the Shaws speak of the influence which they had at the Department through their father?—A. There was a little trouble with the boys there in the fall, I think it was in August, and Edward was ordered from the Territory by the Indians, by the Indian council there, and he claimed that when he got home Senator Dorsey and his father would straighten that matter up with the Indian Department and he would be back in a few days. The gentleman I speak of had a cattle ranch in Texas, and Edward used to work with him on the ranch.

Q. Did either of the Shaws have a controversy with Moses Neal, the agent?—A. I believe W. B. Shaw had.

Q. Do you know whether he told the agent that he would have his trade or his father would have him bounced?—A. Yes, sir; I heard so.

Q. Is that the general report around there?—A. Yes, sir; that is the general report.

Q. About that time, or soon after, did William B. Shaw the elder come out there?

The WITNESS. Do you mean the old gentleman?

The CHAIRMAN. Yes.—A. Yes, sir; he came out last fall.

Q. Did he give the agent orders what to do about the business?—A. He thought the agent was rather slow in making the payment to us. He said he did not see why the agent had not got the money and paid off the Indians long ago, for it had been sent to his credit thirty days before he left Washington, and he said he would see to the business when he got back home; that the agents were so careless and neglectful and did not pay attention to the welfare of the traders, no matter how much they were out; that they did not try to hurry the business along for them.

By Senator BLACKBURN:

Q. After those charges were made by your brother about Eddy's having no interest down there as a trader, and complaints were forwarded by him to the Indian Office at Washington, was there not an investigation ordered by the Indian Office into that matter?—A. Yes, sir.

Q. An investigation was had to see whether it was true or not that Eddy was behaving as your brother had represented?—A. Yes, sir.

Q. About what time was that?—A. I think it was in May some time; I am not sure.

Q. What was the result of that investigation?—A. The agent took the investigation himself.

Q. Do you mean Mr. Neal?—A. Yes, sir.

Q. Do you know what report he made?—A. No, sir; I do not; I did not see it.

Q. If I remember the statement of your brother, his license expired there in September, 1885?—A. Yes, sir.

Q. In point of fact you continued to trade there until June, 1886, did you not?—A. We continued to trade there until the 1st day of January, when we closed.

Q. But I want to know the last day you ever did trade there; that was July, 1886, was it not?—A. Yes, sir.

Q. So your brother's license ran out in September, 1885, and he did continue to trade, and did not quit trading there permanently until July, 1886; now how many times was that store closed between the 8th of September, 1885, and July, 1886, when you quit trading altogether?—A. It closed on the 8th of September, 1885, and it closed on the 1st day of January, 1886.

Q. Was it closed any other time?—A. It closed on the 6th day of January again. It opened up on the 5th of January and closed on the night of the 6th.

Q. It closed on the 8th of September?—A. No, sir; we did not close then.

Q. When did it first close?—A. It was first closed the 1st of January.

Q. You closed on the 1st of January and opened on the 4th or 5th of January?—A. Yes, sir.

Q. Then you closed again when?—A. We closed again on the 6th of January, and it was closed then until the 11th or 12th of February or the 13th, I think. I think the telegram was sent from Washington. There were two telegrams came in the one mail sack; the snow was deep at the time. My brother was in Washington then, and one came about a week before to the agent, asking how our goods were, if they were on the shelf or in boxes, and if not to have them boxed at once and for us to leave the Territory.

Q. When did the other one come?—A. The next one came when we had a heavy snow there in February.

By the CHAIRMAN:

Q. I understood you to say something about two telegrams coming in one mail?—A. Yes, sir; three telegramsc ame to the agent, and two came in one mail; that was about the 11th or 12th that they got there. The two telegrams came and one he opened and read. It asked, had the orders been enforced—that was the first telegram—the second one came and asked him had he enforced the orders about our leaving.

Q. Who was that from?—A. From General Upshaw, I believe, if I am not mistaken; I am not positive about it. I think the agent has the telegrams yet. He opened that first one and read it, and he opened the second one and it said, "Countermand all further orders for W. R. Little. Open store and run."

Q. Who was that from?—A. That was from J. D. C. Atkins. I read that myself; his son carried it down to me. I was at the house, and the next morning I opened up.

Q. Then the third telegram, what was that one you referred to?—A. That was the one telling us to open.

By Senator BLACKBURN:

Q. Your license expired, then, on the 8th of Septe mber, 1885?—A. Yes, sir.

Q. You did not close at all but were permitted to trade until the 1st of January; you closed on the 1st of January and reopened on the 4th or 5th, and closed again on the 6th or 7th of January and staid closed until the 10th or 12th of February.—A. It was between the 10th and 15th of February.

Q. And then you went on trading again; did you close any more up to July, the date at which you closed permanently?—A. No, sir.

Q. They were the only interruptions?—A. Yes, sir.

Q. Tell me if you have heard, since this committee was organized to inquire into these matters, that the traders who had lost heavily by reason of being put out of their positions were to be reimbursed, or that Congress was to pass any bill for their relief?—A. No; I do not know that I have heard that Congress was going to pass any bill for their relief.

Q. Have you ever seen through the newspapers of this country, or has it been circulated among those men who used to be traders and are not now, that this committee was coming down here to ascertain the facts, and that they were going to be reimbursed or their losses made good to them by having relief bills passed for their benefit?—A. No; I never heard that they were going to get anything. I heard that this committee was going to meet at some place in the West to take and investigate the matter.

Q. With a view of doing what?—A. To investigate the matter of our being closed out without any serious charges having been preferred against us.

Q. What was the understanding as to the result that was to follow that; what was it for?—A. To see if they could not manage to collect the money that was owing them down there or to have it gotten in some way. That is what I understood the committee was appointed for.

Q. The understanding was that this committee was to come out West for the purpose of looking into and making an investigation of the facts, which was to inure to the benefit of those traders who had lost money by reason of their having been required to give up their traderships?—A. Yes, sir; if they were put out unjustly.

By the CHAIRMAN:

Q. How many licensed traders are there now at the Sac and Fox Agency?—A. I believe there is but one licensed trader there now.

Q. Who is he?—A. W. B. Shaw. He has two stores.

Q. Before your traders' license expired, how many stores were there?—A. There were two besides ours.

Q. Whistler, Pickett & Co.'s store and the store of Chief Keokuk?—A. Before his expired there was none but Whistler, Pickett & Co.'s and my brother's.

Q. And they were licensed traders?—A. Yes, sir.

Q. Chief Keokuk has always traded there, I understand?—A. Well, he had not been in the business before, since I went there, until last fall.

TESTIMONY OF JOHN L. WOY (recalled).

JOHN L. WOY was recalled and further examined.

By Senator BLACKBURN:

Question. Referring to your testimony given before the committee the other day, I want to ask you what sort of a business man your partner, Mr. Hemphill, was?—Answer. I think he was a fine business man;

that is, he was a fine scholar, a learned gentleman, and a banker, perhaps for twenty-five years a president of a bank, and had been cashier many long years previous. He had grown up in the banking business. Of course, I am referring to that kind of business now.

Q. Was it Hemphill's son or his nephew who was your book-keeper or clerk?—A. Mr. Hemphill's son was our book-keeper.

Q. What sort of a business man was he?—A. A very fine business man; I think his books will show that.

Q. Was he a good hand to buy stocks of goods?—A. I think he was, for a young man.

Q. Was he ever trusted to do that?—A. Yes, sir.

Q. Did you ever tell a prominent resident of this city that he had gone to New York and laid in a stock of goods not fitted for that trade, which were badly selected and were comparatively of no account?—A. No, sir.

Q. Or that he had overstocked too much?—A. Yes, sir; I think I may have said, as we all said, and as I think he himself would say, that in one particular line he overstocked us a little; but it was simply one line of goods, clothing, and that was the only line in which we were overstocked for that immediate payment.

Q. That was all that you told him?—A. Yes, sir.

Q. I think you said (and if you did not, please correct me, for I speak from recollection only) that when you quit business down there and moved your stock of goods away that what was left on your hands was worth $9,000, approximately?—A. Yes, sir.

Q. Did you bring that remaining part of your stock to this city?—A. The most of it we did; some of it is there yet, I guess.

Q. Was it not appraised here?—A. Yes, sir; after it got here.

Q. Was it not appraised at $2,750, or at less than $3,000?—A. I think the approximate appraisement was $2,770 or $2,780.

Q. That is the stock left on hand that you put in at $9,000 in your testimony?—A. Yes, sir; I supposed that the actual cost of it was that or more, and I think so still.

Q. It did not get damaged by being moved from that agency to this place so that its value decreased from $9,000 down to $2,775, did it?—A. No, sir; not altogether from damage; it was materially damaged; it was rather carelessly packed, and of course a great many things would become damaged by the reshipping and the tedious time it was on the way, going through the rivers, &c., as the waters were extremely high; the first goods we loaded laid two weeks at the Cimarron bank before they could be forded, and when they were forded they got wet, of course.

By the CHAIRMAN:

Q. This appraisal at $2,775 was had under some proceedings in bankruptcy or insolvency, was it not?—A. Yes, sir.

Q. It was appraised as an insolvent stock?—A. Yes, sir.

By Senator BLACKBURN:

Q. Who were the appraisers?—A. A Mr. T. V. McConn and a Mr. P. Wyckoff.

Q. Were they competent for that duty, and honest men?—A. I think they were as competent as most persons would be to appraise that style of goods, Indian trinkets, beads, paints, and a great deal of stuff that I presume neither of them had ever seen before; but they did the best they could.

Q. They were sworn to a faithful discharge of that duty, were they not?—A. Yes, sir; they were.

By the CHAIRMAN:

Q. These goods had a value in the Territory for the Indian trade which they had not here in Arkansas City amongst civilized people?—A. Yes, sir; they had. For instance, they would appraise an article at a certain value when it was possibly worth five or ten times that value here or anywhere else; but they did not know its value.

By Senator BLACKBURN:

Q. Were they not both of them merchants?—A. I think so.

By the CHAIRMAN:

Q. Is it not universally true that bankrupt stocks are appraised with reference to the fact that a forced sale is to be made of them?—A. Yes, sir.

By Senator BLACKBURN:

Q. Who was your attorney?—A. Judge Pyburn, of this place; at least he is the attorney who made up the assignment papers.

Q. He is a gentleman of high character and standing?—A. Yes, sir.

Q. You would not hesitate to believe any statement he would make, would you?—A. No, sir. At least I do not think I would.

Q. Have you ever said to any of these former traders that it was likely or probable, as a result of the work of this committee of investigation, that there would be some relief come to them for the losses they had sustained?—A. Speaking of our buildings and the condition of things, we thought that possibly something might be done, and I may have insinuated something of that character, but I do not know what the point of the resolution was that was passed. I have discussed it with others, and others have expressed it to me just as forcibly.

Q. Has there been any talk of that kind?—A. I have read it in the papers.

Q How was it to come about?—A. I have not the least idea.

Q. Was Congress to pass a law to reimburse you for losses incurred?—A. You will have to read the resolution and take that for the basis of whatever I said.

By the CHAIRMAN:

Q. Do you know how much that stock of goods that was appraised at $2,775 realized at a cash sale?—A. I think the assignee told me it realized something like thirty-two or thirty-three hundred dollars.

Q. And it is not all sold yet?—A. Yes, sir; it is all closed out now.

By Senator BLACKBURN:

Q. They appraised it at $2,775, and closed it out at $3,200?—A. Yes, sir.

By the CHAIRMAN:

Q. It went at more than the appraisal?—A. Yes, sir.

Q. How was it sold, at auction?—A. It was sold for a time in a retail way, and then finally at auction, and finally when it got to be so that the auctioneer could not draw a crowd to purchase it, and there were no bidders, then the assignee made an inventory, he and the auctioneer, and the auctioneer took the remainder at whatever he would give for it.

TESTIMONY OF CHARLES E. CAMPBELL.

CHARLES E. CAMPBELL, having been duly sworn, was interrogated as follows:

By the CHAIRMAN:

Question. Where do you reside?—Answer. At Larned, Kansas.

Q. What is your present occupation?—A. I am in the insurance and loan business.

Q. What had been your business in former years?—A. From 1872 until 1881 I was engaged at an Indian agency in the Indian Territory as a clerk, and subsequently was in trade there, at the Cheyenne and Arapahoe Agency, contracting for the Government.

Q. Have you ever held a tradership yourself?—A. No, sir; I ran a livery stable at one time.

Q. A person has to be licensed to do anything there, does he not?—A. I ran that business for some time without a license, but the inspector got after me.

Q. As I understand it, a man cannot transact any business in the Territory, legally, unless he has a permit or license, except he be a full-blooded Indian?—A. None whatever. My idea is that an Indian of any blood, a half or quarter blood, could transact business without a license.

Q. That is not so at present, is it?—A. I never heard it disputed, and I never looked the matter up.

The CHAIRMAN. I understand that under some law or regulation, half-breeds require some kind of license in order to trade, though I think there is this exception to it, that an Indian of any blood can do business which he himself conducts alone.

Captain WHITE (special Indian agent). He can trade or sell goods, and he might keep a livery stable.

The CHAIRMAN. When did you first become a clerk in a trader's store?

The WITNESS. I think it was in 1881.

Q. In whose store were you a clerk?—A. In the store of L. Candee.

Q. How long did you continue to be a clerk in that or some other store?—A. I was with Mr. Candee for sixteen months, was out of business for the next three or four months, and then went in with Reynolds, Doty & Hubbell on the 5th of July, 1883, and remained with them until the 15th of July, 1885, two years.

Q. And after that?—A. After that, on the 1st of November of the same year, I went with D. Hays, or Meeks & Hays, and subsequently with Caldwell & Settle, the present traders. I was with them only a month.

Q. Do you know what Hays's politics is and has been?—A. Yes, sir.

Q. What?—A. He is a Democrat, and says he always was.

Q. About the trade at Darlington, in the Cheyenne and Arapahoe Agency, how does it compare with what it was before the cattle leases were revoked as to volume?—A. I do not think it is much more than 60 per cent. of what it was; I think it is about 60 per cent., but it is very much more divided now than it was then.

Q. Why is that?—A. After the cattle leases were revoked, General Sheridan or the Secretary of War authorized the employment of a large number of scouts at each of the military posts of Wright, Supply, and Reno—I think forty to eighty at each of those posts—and they gave to the military trader the right to trade with the Indians, which cut off a

part of the Indian trade, and which made, in fact, a larger number of traders than ever before, through this scouts' trade that the military have a right to, as soldiers that come on the reservation. I mean the whole trade is 60 per cent.

Q. Do you mean that the licensed traders had 60 per cent. as much as they had before?—A. No, sir.

Q. What proportion do you think the licensed traders now have of what they had before the cattle leases were revoked?—A. I think they have about 40 to 50 per cent. of it; 40 per cent. would probably be the estimate.

Q. So that you do not think it would be half as large?—A. I think the legitimate trade they are entitled to would be fully half. But many want things that the Indian traders are not authorized to buy, and, not being enlisted scouts themselves, they give their money to a scout to buy what they want from the military trader, and the scout buys it and gives it back to the Indian, who really belongs to the licensed trader.

Q. The regulation is that the Indians cannot trade at a military post?—A. Yes, sir.

Q. But they do trade through the scouts?—A. Yes, sir.

Q. What do the Indians want to do that for?—A. Sometimes there is an article which they see at the military trader's that takes their fancy, and which they are desirous of obtaining, but which cannot be gotten of a licensed Indian trader, or it may be a more convenient place at which to buy. Many were camping near Camp Supply, and when the scouts went up there they took not only their immediate families but their distant relatives and friends.

Q. Would the difference in the prices of goods make them do that?—A. No, sir; the prices were about the same, but if they wanted to trade with a licensed trader they might have to travel 50 or 60 miles to do it.

Q. Do you know Mr. Meeks?—A. Yes, sir.

Q. Who were you a clerk for when he came to the Territory?—A. I was not a clerk for anybody. I was putting in a hay contract at a military post.

Q. Did you know of the arrangement between Hays and Meeks—their business arrangement?—A. Not until some time after its consummation.

Q. How did you come to learn, at any time, what the nature of the arrangement was?—A. Mr. Hays showed me his contract when he considered it was necessary I should know.

Q. What was that contract?—A. It was that in consideration of his obtaining a license to further trade at that post, Hays was to pay him $2,000 per annum, and that all goods should be bought in the name of D. Hays & Co.; that Meeks's name should not appear in any invoice, and that the clerks and other employés of the store should not be in any way dependent on Meeks for their salaries, but must look to Hays for their pay.

Q. Do you know about when that contract commenced?—A. About the 20th of November, 1885.

Q. During the next six months how much of the time was Meeks present at the store?—A. I do not think he came there until the first of the next May. He went off to Tennessee and came back the first of the following May.

Q. Did you ever have any conversation with him about his relations with the Commissioner of Indian Affairs?—A. Yes, sir.

Q. What did he say about it?—A. He said that Commissioner Atkins was a very old friend of his family's, and would be willing to do a

great deal for him, everything in reason for him; I do not think he expressed the idea that he would do anything for him, but simply that he would like to favor him if he could.

Q. Did he say anything about his being a political friend of the Commissioner's?—A. I do not think he said that; I think it was a personal, family affair.

Q. What was Meeks, a Democrat or a Republican?—A. A Democrat, naturally.

Q. Mr. Hays, when he was before us, said something like this, if I remember right: That prior to the present Administration, the traders sold goods for 100 per cent. profit, and that it had been cut down to a less profit than that under the present Administration. What have you to say on that subject?—A. I have known them to sell at 1,000 per cent. profit; a certain class of articles, I mean. I can give you an instance of it if you wish me to. We can buy a gallon of cowry shells at a dollar and a half, and there are twenty-four hundred in a gallon, and they are sold at a dollar a hundred.

Q. Do you mean to be understood, or not, that there was any such general profit made?—A. No, sir; only on articles of adornment; a very few articles. There was no average profit like that.

Q. How about the average profit years ago compared with what it is now; was it greater in the past or about the same?—A. When there was a single trader there only, goods were sold at less than they are to-day; that is my recollection.

Q. You mean as a general result of the trade?—A. Yes, sir; I could buy my coffee and sugar for a dollar less than I could now, I mean when I left.

Q. Do you say you could buy sugar and coffee cheaper a half a dozen years ago, at the time there was but one trader there?—A. Yes, sir; I could buy it cheaper six or seven years ago, when there was but one trader there, than now when there are three.

Q. Was that because the price of goods was lower then, or because they were sold at a less profit?—A. I think they were sold at a less profit. I refer to George Reynolds, who was the Indian trader there for several years. I think he sold goods, on an average, at a cheaper rate than you could have bought them for within the last four or five years. We had more expense in the way of transportation in those days. We had to haul goods 165 miles then, and now they only have to be hauled 112 miles.

Q. You were a clerk there up to about two months ago?—A. Yes, sir.

Q. Have you ever seen or heard at that agency of a schedule of prices telling what profits might be made on certain lines of goods?—A. Yes, sir; I have seen it very often.

Q. Is that schedule of prices strictly followed now?—A. No, sir; I never knew it to be followed.

Q. Do you feel positive about that?—A. Yes, sir.

Q. No attention was paid to it?—A. I cannot say that no attention was paid to it, but it was not complied with as a matter of fact.

Q. What traders are doing business there now?—A. W. B. Barker and Settle & Caldwell.

Q. You were employed in the store of Settle & Caldwell?—A. Yes, sir; I was with them only a month. They had hardly commenced business when I left, and were not fairly stocked up. They bought Hays out and had not many goods when I left.

Q. Speaking of the fact that goods are not sold at schedule prices, do you refer in that connection to W. B. Barker as well as to Settle & Caldwell?—A. Yes, sir.

Q. It may be due to you, perhaps, to allow you to explain why you are not still a clerk there. You may make any statement about that you wish to.—A. I was ordered out of the Territory.

Q. By whom?—A. By the Commissioner of Indian Affairs, or the Assistant Secretary of the Interior, I do not remember which. I think it was by the Commissioner on a letter from the office of the Secretary of the Interior.

Q. Do you wish to make any statement about it?—A. I have no further statement to make, only that I know of no reason for its being done except a political reason.

Q. Were you not a Democrat?—A. No, sir; I am not.

Q Have you a copy of the letter?—A. I think I have a copy of the letter which was sent to the agent.

By Senator BLACKBURN:

Q. Who was the agent there then?—A. G. D. Williams was the agent.

By the CHAIRMAN:

Q. Do you know of any reason why you should have been ordered from the Territory?—A. No, sir; I do not. I tried to conduct myself properly, and do not remember violating any rule, regulation, or law. Here is the letter which was furnished to me by the agent [producing a letter and handing it to the chairman]. I wish to state that at the time that order was given to me I was under bonds to the War Department to perform certain duties at Fort Reno until the 1st day of next July.

Q. What duties?—A. I was delivering corn under contract. The contract is not yet completed. It is a 30 per cent. increase and is liable to be called upon at any time. I was also employed in the store of Settle & Caldwell.

Q. Is there anything in the regulations which prevented your being employed as a clerk while it was your duty to deliver corn?--A. No, sir.

The CHAIRMAN. I will put this letter into the record.

The letter referred to is as follows:

(One inclosure.)

Refer in reply to the following authority, No. 14,665, 1887.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 9, 1887.

SIR: I inclose herewith a copy of Department letter to this office of the 27th ult., authorizing the removal of Charles E. Campbell from the reservation under your charge, under the provisions of section 2149 of the Revised Statutes of the United States, this office having been officially advised of his presence thereon without authority.

You will take the necessary measures for carrying this order into effect, and report your action to this office.

J. D. C. ATKINS,
Commissioner.

G. D. WILLIAMS, Esq.,
United States Indian Agent, Cheyenne and Arapaho Agency,
Darlington, Indian Territory.

By the CHAIRMAN:

Q. The reason given there is that you are on the reservation without authority?—A. Yes, sir; I know it is, but I deny that.

Q. As you understand the regulations, there was nothing improper in your being a clerk there?—A. Nothing at all.

Q. And you say you were under bond to execute a contract for the delivery of corn at Fort Reno at that time?—A. Yes, sir; from the date given there it must be that the official report that he refers to in that letter was made some time previous when I was not a clerk with Settle & Caldwell, which commenced on the 17th of February, and of course there was not time for a report to reach the Interior Department and an answer to come back to the agent in the two intervening days.

By Senator BLACKBURN:

Q. When had you ceased to be a clerk in the other trading store?—A. I did not really cease to be a clerk there. I was around there and did all Hays's writing, made out his bills, and really was in his employ, but did not give it all my time or but a very small portion of my time.

Q Were you drawing any salary as clerk for Hays?—A. For the work that I did there I got my goods at cost and carriage and did not pay any profit. I was not regularly employed there.

Q. How long had that been going on?—A. From the previous May until February. In the mean time, though, I had obtained this contract.

Q. A contract with the War Department?—A. Yes, sir.

By the CHAIRMAN:

Q. This corn contract was a contract with the War Department?—A. Yes, sir.

Q. And you, having authority from the War Department to fulfill a contract there, are told by Commissioner Atkins, by direction of the Secretary of the Interior, to get out of the Territory?—A. Yes, sir.

Q. Did you go?—A. I protested against it through the agent, and the agent forwarded the letter to the Commissioner of Indian Affairs; at least that was my request; I don't know whether he did it or not. I rotested against it, but when the answer to Settle & Caldwell's application for the approval of my appointment as clerk came back, they said that all the other employés named in their letter would be approved, but they must beg leave to be excused from confirming the appointment of Mr. Campbell.

Q. Have you done anything wicked there?—A. I know of nothing I have done. I think I am about as clear as anybody in that country, and I can bring testimony to establish the fact.

Q. Except that you are a Republican?—A. Yes, sir. It may be a crime to be a Republican, but it is not elsewhere.

By Senator BLACKBURN:

Q. Were all of those employés of Caldwell & Settle who were approved by the Department Democrats?—A. Yes, sir.

Q. They don't allow any Republicans to remain out there?—A. I guess not; no, sir.

By the CHAIRMAN:

Q. What has become of your corn contract?—A. I have filled the original contract, but I am still subject to be called upon for 20 per cent. more on the original contract. The original contract is already filled. I have bought the corn and am ready to put it in. I have twenty-five to twenty-eight thousand pounds of corn at Darlington.

Q. Can you go there to see about it?—A. I think I could go there, but there is objection to my remaining there.

Q. Technically speaking, you cannot go there to do anything about that corn without a permit, can you?—A. Well, I think I could. I should go to the post, though, for fear of being jerked up at the agency.

Q. I mean, if they chose to enforce the laws against you, as they understand it, you would not be permitted to go there at all?—A. No, sir; I do not think that.

Q. You put that on the ground that you would have authority from the War Department?—A. Yes, sir.

Q. And you would rely upon the protection of the War Department as against the action of the Interior Department?—A. And also on the ground that it was my residence there, if they objected to my passing through. You see I have been residing there for years.

Q. But this letter says that "Having been officially advised of his presence thereon without authority." They do not allow you to be present without authority, as I understand this?—A. Very well.

Q. Supposing that Hemphill & Woy had had sufficient time after they understood they had to leave the Territory, was there any opportunity for them to dispose mainly of their stock of goods in the Territory?—A. I was not acquainted with their stock of goods when they quit trading, and do not know what it consisted of.

Q. But they could have disposed of the goods they had at a better advantage there than they could by removing them?—A. Of course, with that class of goods.

By Senator BLACKBURN:

Q. You say you were ordered out of the Territory for no reason that you know of except your politics?—A. I do not know that that was the reason.

Q. You suggested that yourself?—A. I do not know that that was the reason; but I cannot conceive of any other reason.

Q. And hence you conceive that must have been it. Now when Settle & Caldwell sent on a list of employés they wanted to engage, the letter came back saying that the Indian Bureau would make all the appointments suggested except yours, and in answer to my question you said they were all Democrats?—A. All that I remember were Democrats.

Q. I asked you if all the employés down there were Democrats, and you said you thought they were?—A. In all the stores, I think they are.

Q. Don't you know it to be a fact that more than sixty of the employés at Darlington, right now, are Republicans?—A. I do not.

Q. Suppose that is shown to be a fact, then you are mistaken about politics being the cause of your being driven out?—A. I did not state it as a fact, but only as a suspicion.

Q. I want to get at the value of the suspicion. Did you never hear of any other charges made against you except as to your politics?—A. No, sir; I never did.

Q. Did you ever hear that you had been reported to the Department at Washington as stirring up trouble and strife down there among those people?—A. If so it was false. I do not know that it was so. I never heard it before, or suspected such a thing.

Q. Did you know that you had been reported to the Department at Washington with a view of having this very order issued for your removal from that reservation?—A. I did not.

Q. You did not know of it until the notice came for you to leave?—A. That was the first intimation I had of it.

Q. Did that order from the Indian Office at Washington directing you to leave that reservation have any such effect, or could it have any such effect, as to keep you from going on the military reservation (which is under the War Department, and not the Indian Department) for the purpose of fulfilling any contract you may have with the Quartermaster's Office?—A. It would have been almost impossible to fill it unless I could have traveled freely in the country.

Q. There is a military reservation there?—A. It is a small affair.

Q. But you have your rights there under the War Department?—A. But that was not sufficient; it did not cover enough territory. I wanted the whole Territory. The corn was not there.

Q. You wanted the earth?—A. I did not want the earth exactly, but I would like to have the whole Territory.

Senator BLACKBURN. We will see what he was ordered out for.

The CHAIRMAN. You ought to show him.

Senator BLACKBURN. If he will stay here until we get through with this thing he will find out.

TESTIMONY OF JOHN C. KEENAN (recalled).

JOHN C. KEENAN was recalled and further examined.

By the CHAIRMAN:

Question. I asked you a question when you were on the stand before as to whether any correspondence with reference to the licensing of Puckett as trader at the Kaw Agency had passed through your hands, and you said it had not. I thought perhaps, on reflection, you would think you did not understand what I referred to, or that I did not make myself clear. Did you not write a letter to the Department for Puckett asking that Lesarge might be employed as a clerk or something of that sort?—Answer. At his request, yes, sir.

Q. And the letter came back to whom?—A. To Puckett.

Q. It did not come to you?—A. No, sir.

Q. Did you see the letter when it came back?—A. I did.

Q. Did the letter state why he would not be allowed to employ Lesarge as clerk?—A. Yes, sir; it did.

Q. What was the reason given?—A. That there was no trader appointed at Kaw; that there had been nobody licensed to trade at Kaw up to that time.

Q. That was the fact I was trying to call your attention to, and you evidently did not understand the purpose of my inquiry. How long was that after Puckett had commenced trading there?—A. I think it must have been somewhere about two months; probably afterwards. I think he probably had been trading two months when this notice came.

Q. Do you know whether he then made a formal application for it?—A. Yes, sir; he told me so.

Q. That he then made a formal application for a tradership there?—A. Yes, sir.

The select committee then adjourned until Friday, May 13, 1887, at 9.30 o'clock a. m.

ARKANSAS CITY, KANS.,
Friday, May 13, 1887.

The select committee met pursuant to adjournment at 9.30 o'clock a. m.

TESTIMONY OF J. H. PHILLIPS.

J. H. PHILLIPS, having been duly sworn, was interrogated as follows:

By the CHAIRMAN:

Question. Please state your full name.—Answer. Jacob H. Phillips.

Q. You are an Indian trader?—A. Yes, sir.

Q. When were you first licensed as an Indian trader?—A. In February, 1886.

Q. Where did you first open a store or become interested in opening a store?—A. At Osage.

Q. At the agency?—A. Yes, sir.

Q. In connection with whom?—A. In connection with Mr. Hale.

Q. Mr. Hale had been a trader there before?—A. Yes, sir; he had been.

Q. Hale & McCague were the traders there before you obtained your license?—A. Yes, sir.

Q What became of McCague; did you buy him out?—A. Yes, sir.

Q So that thereafter the firm was Hale & Phillips and the license was issued to Hale & Phillips?—A. Yes, sir. I first got permission to buy into the firm of Hale & McCague.

Q. Did you get a license in your own name?—A. No, sir.

Q. You got permission by letter?—A. Yes, sir.

Q. Have you that letter with you?—A. No, sir.

Q. By whom was the letter signed?—A. By General Atkins.

Q. In what State did you reside before you were licensed?—A. Tennessee.

Q. At what place?—A. Centreville.

Q. Were you acquainted with General Atkins?—A. No, sir.

Q. I see you are recommended by Mr. Lowry; is he a Tennessee man?—A. No, sir; I think not.

Q. He recommended Hale, probably, who was from Indiana?—A. Yes, sir.

Q. There is among the recommendations a lettter of W. H. Meeks, of Savannah, Tenn.; do you know him?—A. Yes, sir.

Q. He was one of the parties who recommended you?—A. Yes, sir.

Q. Was W. H. Meeks a relative of C. Y. Meeks?—A. Yes, sir; his cousin.

Q. You are now trading at Hominy Creek?—A. Yes, sir.

Q. Did you get a new license for that?—A. Yes, sir.

Q. Do you remember the date of it?—A. I believe it was the 29th of December last.

Q. Was there any store at Hominy Creek before you went over there?—A. No, sir.

Q. How did you obtain your license for a store at Hominy Creek and permission to trade there?—A. I do not know that I understand the question.

Q. How did you get your license and permission to move your store from Osage Agency over to Hominy Creek?

The WITNESS. You mean in what way did I apply for it?

The CHAIRMAN. Yes.

A. Well, I applied in person to General Atkins when he was here, and by letter, both.

Q. When General Atkins was at the agency you applied personally to him, did you?—A. No, sir; I did not. I applied to him after he had left there; I applied to him here at Arkansas City.

Q. What did he say about the establishment of a store there at that time?—A. He told me that he had been applied to by others, and that he would study over the matter, and if he concluded it would be a benefit to the Indians he would establish a store down there.

Q. He had not then concluded to establish a store there?—A. No, sir; he had not.

Q. About what time was it that you saw him in Arkansas City and made application to him?—A. I do not remember; it was some time in the fall.

Q. I think I have heard it was in November?—A. It may have been; I think it was about November.

Q. At any rate it was on his trip here?—A. Yes, sir; it was during his trip here.

Q. He told you there had been application made by others; did you learn who else had applied?—A. I understood him to say that Mr. Hartley had applied.

Q. Then you went to Washington, did you?—A. No, sir; I did not go there.

Q. Your application in Washington was by letter?—A. Yes, sir.

Q. Did you have anybody in Washington to represent you?—A. No, sir.

Q. Didn't you write to any one there to help you get it?—A. No, sir.

Q. Do you know that any one at Washington did try to help you to get it?—A. No, sir.

Q. Do you know Mr. Branham?—A. Yes, sir. Mr. Branham was going to Washington, and Mr. Hale and I both spoke to him and told him that if the matter came up and he could assist us in getting a license out there that it would be appreciated by us.

Q. Did you not learn, after his return, that he did help you in that respect?—A. Yes, sir; that he talked with General Atkins about it.

Q. Do you know General Atkins's son, John Atkins?—A. Yes, sir.

Q. Did you know him before you were appointed?—A. Yes, sir.

Q. Where did you make his acquaintance?—A. In Tennessee.

Q. Did you understand from any one that John Atkins used his influence to get you out there?—A. Yes, sir.

Q How much trade have you got out there, judging from the five months or so you have been there?—A. We have not been there that long, but I suppose about thirty-five or forty thousand dollars a year.

Q. Was there a store out there before you went there?—A. No, sir.

Q. You had to build one?—A. Yes, sir.

Q. There never had been a store there before, had there?—A. No, sir.

Q. Did you move your goods from the agency, or sell out at the agency?—A. We moved them out.

By Senator BLACKBURN:

Q. When you moved your trading store from the agency out to Hominy Creek, what did you do with your buildings?—A. We sold them.

Q. That is, the buildings which you had at the agency?—A. Yes, sir.

Q. What did they cost you and your partner?—A. They cost us $3,000.

Q. To whom did you sell them?—A. I sold them to two half-breeds.
Q. What did you get for them?—A. Six hundred dollars,
Q. You lost how much?—A. Twenty-four hundred dollars.
Q. How long had you used those buildings; how old were they?—A. We had used them not quite a year—about eight or ten months.
Q. They were not a year old?—A. No, sir.
Q. Were they old when you bought them or did you put them up?—A. They were old buildings and had been in use.
Q. You gave $3,000 for them and sold them for $600?—A. Yes, sir.
Q. Had a license to trade at Hominy Creek been tendered to Hartley before you and your partner got your license to trade there?—A. I do not know, sir; I expect there had.
Q. Who did you understand that from?—A. From General Atkins.
Q. Was that on condition that he gave up his store at the agency?—A. Yes, sir.
Q. He had asked for a license at Hominy Creek and had been offered it provided he would surrender his trading store at the agency?—A. Yes, sir.
Q. When you got your license to trade at Hominy Creek, was it or not made an express condition that you must give up your agency store?—A. Yes, sir; it was.
Q. He would not allow you to have them both?—A. No, sir.
Q. Mr. Hale was your partner?—A. Yes, sir.
Q. He had been trading before?—A. Yes, sir.
Q. Before General Atkins came in as Commissioner of Indian Affairs he had been trading at the agency?—A. Yes, sir.
Q. Who did you and your partner buy those buildings at the agency from?—A. We bought them from Mr. Hamilton.
Q. Was he a trader there?—A. Yes, sir.
Q. Under the old Administration?—A. Yes, sir; under both Administrations.
Q. He had been a trader under the former Administration and also under General Atkins?—A. Yes, sir.

By the CHAIRMAN:

Q. His license was not renewed by General Atkins. His license ran out after General Atkins's term of office began. Did he get a renewal of his license?—A. Yes, sir; I think he did.

By Senator BLACKBURN:

Q. Do those Indians who live out there at Hominy Creek have any difficulty in getting to the stores at the agency at any season of the year?—A. There are some of the creeks which sometimes rise considerably.
Q. Do they get past fording?—A. Yes, sir.
Q. How do those Indians live there, all over that reservation; do they keep on hand any supplies of cured or dried meats for the support of themselves and their families, or do they live on fresh meats the year round?—A. They live on fresh meats and bacon. They buy some bacon; they save no bacon themselves.
Q. During the summer months are they constantly buying fresh meats every few days to live upon?—A. Yes, sir.
Q. Would it or not be practicable for them to have fresh meats as often if they had to come a distance of 25 miles to buy it and keep it, as if they could buy it in their immediate neighborhood close to where they live?—A. No, sir; I do not think it would.

Q. Before your store was established at Hominy Creek, do you know how frequently those Indians came into the agency to get fresh meats during the summer months?—A. I could not say how often they came there.

Q. Did they come there as often as they come to your store where you are now to get it?—A. No, sir; they would not come as often.

Q. Have they any ice-boxes or refrigerators or anything of that kind in which to keep fresh meats in hot weather?—A. No, sir.

By Senator CULLOM:

Q. How much bacon do they ordinarily buy when they come to town or come to your store?—A. They buy from two to four dollars' worth.

Q. And take it home?—A. Yes, sir.

Q. That means about how many pounds—a "side" or two of bacon, as they call it?—A. No, sir. We handle down there what are called the "backs." They are just long strips, and they get two or three of those.

Q. They take home enough to last them about how long?—A. I could not tell you that. They don't eat much bacon.

Q. When you were running your store up at the agency, how often did they come to the store there?—A. I do not know how often.

Q. They came in as often as they needed meats, did they not?—A. I guess so.

Q. And they do the same thing as regards your store where you are now?—A. Yes, sir.

Q. Did they have any difficulty in getting to the agency store, do you know, when you were there?

The WITNESS. When we were at the agency?

Senator CULLOM. Yes.

A. No, sir; not that I know of.

Q. They were in the habit of coming in whenever they wanted to?—A. Yes, sir.

Q And ordinarily there was nothing in the way of their coming so far as high water was concerned, or anything of that kind?—A. No, sir; it was not often that high water bothered them.

Q. How many Indians do you have about your store?—A. There are something near 300, children and all.

Q. Do they do substantially all their trading at that place?—A. No, sir; they do a part of their trading there.

Q. Some go to the agency. Do any others go to the Big Hills or the Gray Horse store to trade?—A. Some go to the agency and some to Gray Horse.

Q. They go to both places, or all three places, if they choose?—A. Yes, sir; some of them.

Q. How long do you say you have been there at that point?—A. We have been there since some time in February.

Q. So far as you know, Mr. Branham got the license for you to go down there?—A. No, sir.

Q. Who did get it; through whose influence did you obtain it?—A. I think it was my own.

Q. You had personal influence with General Atkins yourself?—A. I do not know that, more than when I applied to him here in person, he asked me several questions about whether we would be willing to give up the store there, that these other parties were not willing to do it, and if we wanted him to license one out there and one at Gray Horse, that is, to give us two stores. I told him we did not; that all we asked was a license out there, and we would give up our license at the agency, and he told me he would study over the matter.

Q. That was a conversation between you and him when he was here?—A. Yes, sir.

Q. After that did you go to Washington?—A. No, sir.

Q. Mr. Branham did?—A. Yes, sir.

Q. And after Branham had been there and talked with the Commissioner you got a license?—A. Yes, sir.

By Senator BLACKBURN:

Q. Had you ever thought of asking for that license at Hominy Creek until the Commissioner of Indian Affairs made that trip out here and you heard that Hartley had made application for it?—A. No, sir; I had not.

Q. Is it not a fact that Commissioner Atkins had left the reservation before you ever made any application for it, and did you not, upon consultation with your partner, come over here to Arkansas City and here catch the Commissioner as he was coming back, and have the interview in which you made application at this place to him?—A. Yes, sir.

Q. Now, I find among your indorsements here (among the indorsers of Jacob H. Phillips, of Centreville, which is your name) the name of W. H. Meeks, of Savannah, Tenn.; who is W. H. Meeks?—A. He was State's attorney of my district in Tennessee.

Q. I find here also the name of Hon. I. G. Harris, United States Senate?—A. Yes, sir.

Q. And a letter from H. P. Foulkes, esq., of Franklin, Tenn.; what was he?—A. He is ex-speaker of the Tennessee senate.

Q. Also the name of J. H. Moore, esq., of Centreville, Tenn.; who is he?—A. He is a prominent attorney there.

Q. Also the name of Hon. J. M. Taylor, a member of Congress from there?—A. Yes, sir; he was a member of Congress from a different district than ours, but was the ex-State's attorney for our district.

Q. And he is now a member of Congress?—A. Yes, sir. I was also recommended by our Congressman.

Q. Who was your immediate Representative in the lower house of Congress from your district at that time?—A. Col. John G. Ballantine, of Pulaski, Tenn.

Q. Do you know whether he went in person to urge your appointment?—A. Yes, sir; I do know that he went; I have letters to that effect.

By the CHAIRMAN:

Q. Did you state how much the buildings at Hominy Creek cost you?—A. No, sir.

Q. How much did the buildings at Hominy Creek cost you to build them?—A. The store-house cost us $1,000, our dwelling cost us about seven or eight hundred dollars; all of our improvements there, corrals and everything, cost us about $2,500.

Q. So that to go over to Hominy Creek you sacrificed $2,400 on your buildings at the agency, and made an investment of about $2,500 in buildings at Hominy Creek in the way of improvements?—A. Yes, sir.

By Senator CULLOM:

Q. And you made money by it too, didn't you?—A. I do not know, sir; we have not yet.

By the CHAIRMAN:

Q. Have the creeks you referred to been impassable for any length of time since you have been at the agency or at Hominy Creek?—A. Yes, sir; since I have been at the agency, but not since I have been at Hominy Creek.

Q. Were they impassable for any length of time?—A. For probably a week.

Q. You have never heard of any want or suffering among the Indians because of their inability to get supplies before the outside stores were established?—A. No, sir; except they would buy meats there and they would perhaps spoil on their way home, or something of that kind.

Q. An Indian does not eat beef every day, does he?—A. He does if he can get it.

Q. It is esteemed a luxury when he does get it, is it not?—A. Not if he has got the money, or close to it; he uses it all the time.

Q. He regards it as a luxury, does he not?—A. I do not know that he does. They use it all the time if they can get it.

Q. How long will it take an Indian family composed of three or four persons to eat up a hind quarter of beef?—A. I do not know, sir. They do not eat much in families. Generally when they get a quarter of beef, if there are thirty or forty Indians around, they go to work and eat it all up.

Q. They make pretty quick work of it?—A. Yes, sir.

By Senator CULLOM:

Q. As a matter of information I will inquire whether any of the Indians located around your neighborhood there undertake to raise cattle themselves?—A. Very few of them undertake to do that. Since we have been down there I expect we have sold some twenty head of stock-cattle that they claimed they were going to raise, but the first time they get out of credit they will kill them and eat them.

Q. They do not then really go to work systematically to raise stock or anything of that sort?—A. No, sir; not much.

TESTIMONY OF THOMAS M. FINNEY.

THOMAS M. FINNEY, having been duly sworn, was interrogated as follows:

By the CHAIRMAN:

Question. You were a trader at one time at the Kaw Agency, were you not?—Answer. Yes, sir.

Q. You are not the Finney who was a member of the firm of Finney & Schiffbauer?—A. No, sir.

Q. Did any person, while you were a trader at Kaw Agency, come to you with a license or a letter saying that he could have a license, wishing to make some arrangement for your place and trade?—A. Yes, sir; there was such a person.

Q. What was his name?—A. His name was Engels.

Q. Where was he from?—A. He was from Humboldt, Nebr.

Q. Did he have a license?—A. Yes, sir; he had a license.

Q. What proposition did he make to you?—A. He made a proposition that he would hold the license and continue the business there, I to run the business and to pay him a certain amount per month or per year for the use of his license.

Q. Did he name the amount that he wanted?—A. No, sir.

Q. He wanted to know if he could make an arrangement with you to do business under his license and pay him a certain sum per month or year for the use of the license?—A. Yes, sir.

Q. Did you entertain the proposition?—A. No, sir; I did not.

Q. Did anything more pass between you in regard to the matter?—A. Nothing at all. I told him that the Commissioner of Indian Affairs

would not listen to any such proposition in the first place, and in the second place I was there only by sufferance of the Department, and was ready to go out, and was waiting only for somebody to step in and take my place.

Q. You expected to have to go?—A. Yes, sir; I expected to go out.

By Senator CULLOM:

Q. Do you mean that you were waiting for somebody to step in and buy you out?—A. That is what I was hoping for; yes, sir.

Q. But you did not know whether you would be able to do that or not?—A. No, sir.

Q. Did you at any time receive a proposition from any one else to take your business?—A. Yes, sir; in an indirect way I received a proposition.

Q. In what way?—A. I received a letter from Washington in regard to the matter.

Q. Have you that letter with you?—A. No, sir; I have not.

Q. Tell the committee about it; what took place and all you remember about it.—A. Along in April, 1885, I think it was, I received a letter from Mr. Miles, the former agent of the Osages, stating that he had been approached by a nephew of Commissioner Atkins proposing that he would obtain a license and I could pay him a certain amount per year for the use of the license and remain where I was.

Q. Who brought you that letter?—A. It came by mail.

Q. You say you received such a letter; what has become of it?—A. I destroyed it.

Q. Did any one know about the letter except Mr. Miles and yourself?—A. I think, if I am not mistaken, that Mr. Bartles, of the Osage Agency, was present in Washington at the time the letter was written; I think so.

Q. Do you remember the name of the nephew of the Commissioner?—A. No, sir; I do not know his name; I did not hear it.

Q. Did you understand whether he was then in or about the Indian Office in Washington?—A. It was my understanding that he was then filling a position there; that was my understanding at the time, but I am not positive about it.

By Senator BLACKBURN:

Q. What was the man's name who came out there with a license and offered to sell it or rent it to you?—A. His name was Engels.

Q. What was his given or written name?—A. I do not know.

Q. How do you spell it?—A. E-n-g-e-l-s.

Q. Did you see the license?—A. No, sir.

Q. How do you know that he had a license there?—A. I received a letter from the Department stating that a trader had been appointed.

Q. Did the letter from the Department tell you the name of the licensed trader?—A. No, sir; I think not.

Q. Then how do you know that Engels ever had a license?—A. He told me about it.

Q. That is all that you know about it?—A. Yes, sir.

Senator BLACKBURN. The record does not show that any such man was ever licensed. [To the witness.] Then you do not know whether Engels ever had a license or not?

A. Only from what he told me.

Q. When was that?—A. That was in April, 1886.

Q. You mean a year ago?—A. Yes, sir.

Q. You did not entertain the proposition?—A. No, sir.

Q. Why not?—A. I had reasons for not doing it.

Q. What were they?—A. My reasons were, in the first place, I did not think the Department would sanction any such thing.

Q. You did not think Commissioner Atkins would approve of that?—A. No, sir; my next reason was, I was anxious to get away from there.

Q. When did you quit trading there?—A. I quit trading there in May, 1886.

Q. The next month after Engels was there?—A. Yes, sir.

Q. Did you not write a letter to the Commissioner of Indian Affairs asking him to appoint your successor and send him out there or else re-license you, because your stock of goods had run out?—A. Yes, sir; I did.

Q. Didn't you say that your stock of goods was entirely out?—A. I am not positive whether I said that or not.

Q. Did you not tell him in your letter that you wanted to get away from there?—A. I have a copy of that letter here.

Senator BLACKBURN. Very well; let us have it.

The witness produced the letter called for.

Senator BLACKBURN. This is a copy of a letter written to the Commissioner of Indian Affairs March 10, 1886. This was about a month before Engels came there?

The WITNESS. Yes, sir.

Senator BLACKBURN. I will read this letter so that the stenographer can take it and have it appear in the record.

The letter, as read, is as follows:

HON. COM. IND. AFFAIRS,
Washington, D. C.:

DEAR SIR: The Indians at this agency are clamorous for credit. Expecting my successor would be appointed, I have not credited the Indians on their annuity, confining my sales exclusively to the money due on their lease; that has been insufficient to support them, and as it has been the plan in the past to give them credit on their annuity payment, which is not made until late in the fall, they are cut off from obtaining the credit; my presence here on sufferance only, I have not felt justified in purchasing goods only in very limited quantities. If it is the intention of the Dep't to still grant me an extension of my license, I most respectfully ask that positive assurance be given me that I will be granted the privilege of crediting the Indians and allowed to collect at their annuity payment. I will then buy goods and supply the wants of the Indians.

In case it is not the intention to further extend the time, I most respectfully ask that my successor be licensed so that I may be relieved by April 1.

As this tribe of Indians have no other point to trade more than 20 to 35 miles you will see the justice, Mr. Commissioner, in complying with the request I have made.

Awaiting a speedy decision and reply,

Very respec.,

T. M. FINNEY.

Senator BLACKBURN. You have also handed me a letter from Agent Hoover, dated Osage Agency, March 24, 1886, in regard to the same subject, which I will also read, so that it may go into the record.

The letter was then read, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Osage Agency, Mar. 24, 1886.

Mr. THOS. FINNEY:

DEAR SIR: In reply to your letter to the Department, requesting to know positively whether or not your license will be renewed, I am directed to inform you that according to your suggestion your present permit is revoked, to take effect on the 1st of April next. A new trader will be appointed for Kaw at once.

Very respectfully,

FREDERICK HOOVER,
U. S. Indian Agent.

Per "G."

By Senator BLACKBURN:

Q. Now, then, at your own suggestion, your license was revoked to take effect April 1st. When do you say you quit there?—A. It was in May.

Q. This letter of the Indian agent says "your present permit is revoked to take effect on the 1st of April next," which shows that your trading there was at the suffrance or the pleasure of the Department?—A. Yes, sir.

Q. That was your permit to trade after your license had been permitted to expire?—A. Yes, sir; that was it.

Q. Now, that was to take effect on the 1st of April. When did you say that you quit there?—A. On the 1st of May.

Q. So that you staid there until May?—A. Yes, sir.

Q. You say a man named Miles wrote you a letter from Washington?—A. Yes, sir.

Q. Was he then an Indian agent?—A. No, sir.

Q. He had been an Indian agent?—A. Yes, sir.

Q. For what tribe?—A. For the Osages and Kaws.

Q. For that whole reservation, including the Kaws?—A. Yes, sir.

Q. What is his given name?—A. His full name is L. J. Miles.

Q. Where is he at present?—A. He is here in this city.

Q. Does he live here?—A. Yes, sir.

Q. Is that the man who testified yesterday; was he on the witness stand yesterday?—A. I understand that he was; I was not present.

Q. Under whom had he been an agent? Under what Commissioner of Indian Affairs—Atkins or Price?—A. Under Commmissioner Price.

Q. He wrote you a letter from Washington?—A. Yes, sir.

Q. When?—A. The letter, I think, was written some time about the 1st of April.

Q. Was that before or after Engels had been trafficking with you?—A. That was before.

Q. That was before Engels came there?—A. Yes, sir.

Q. Now, let us look at this. In that letter he told you that Commissioner Atkins's nephew wanted to get a license for you to trade there and go into partnership with you?—A. Yes, sir.

Q. And you understood that that nephew of Commissioner Atkins was then holding some position in the Indian Office in Washington?—A. Yes, sir.

Q. Well, did you entertain that proposal?—A. No, sir; I did not.

Q. Why not?—A. For the same reason that I refused to entertain Engels's proposition.

Q. You did not think the Department would approve of such a procedure as that, if a clerk in the Indian Office at Washington, himself a nephew of the Commissioner of Indian Affairs, was to be the partner?—A. No, sir; I did not.

Q. Then you thought this nephew of Commissioner Atkins, who was a clerk in that Bureau, was undertaking to do something that the Commissioner, his uncle, did not know anything about and would not submit to?—A. I do not know as to that.

Q. Well, then, how was it; if it was not that, what was it?—A. He may have known all about it.

Q. Did you think so?—A. I do not know that I thought so.

Q. You say the only reason why you did not entertain the proposition was because you were satisfied that the Commissioner would not submit to it?—A. Well, he might have submitted to it, but it might have made trouble in the future; that was my idea at the time.

Q. Would it not have made more trouble for the nephew in the Department in Washington than for you?—A. Yes, sir; I should think so.

Q. And yet you were afraid to accept it?—A. Yes, sir; I was.

Q. What did you destroy that letter for?—A. I keep no letters whatever.

Q. You kept this one you gave me, and that was written before.—A. I mean I keep no letters outside of my letters from the Department; none in connection with my own affairs.

Q. Why don't you keep them?—A. I have no reason for it; it is seldom I keep a letter.

Q. Here you produce, very promptly, letters written on the 10th of March by yourself and on the 24th of March by the agent, and yet as singular a letter as this, written by an exagent under whom you had served, and sent from Washington, telling you that an officer of the Indian Department or Indian Bureau, a nephew of the Commissioner, wanted to furnish you with a license and go into partnership and trade with you, you did not think enough of to keep from tearing it up?—A. I was not positive that I had not kept the letter until I found, on looking through my letters, that it was not there.

Q. Now, are you positive that you destroyed it?—A. I am not positive that I destroyed it, but I cannot find it.

Q. It flew away. Have you any idea whether it would be possible to go over to the Kaw Agency and hunt around and gather up and put together the scraps you tore up?—A. I do not think it would be.

Q. Do you believe it possible to find such a letter in the world?—A. No, sir; I do not.

Q. Do you believe there ever was such a letter in the world?—A. I do.

Q. I am glad of that. Did you ever tell anybody about having that letter?—A. Yes, sir; I did.

Q. Who did you tell about it?—A. My clerk at the time saw the letter.

Q. He is dead now, isn't he?—A. No, sir; he is here in town.

Q. What is his name?—A. His name is Archibald N. McCague.

Senator BLACKBURN. I will ask that Mr. Miles, the ex-agent, and this clerk of his, both, be subpœnaed right away.

The CHAIRMAN. You will not need to trouble yourself about proving that letter when we get through with it.

Senator BLACKBURN. Well, I would like to have a subpœna issued for both those men. [To the witness.] Did Mr. Miles, in that letter which he wrote you from Washington submitting this proposition to you, tell you what the name of that clerk in the Bureau, the nephew of the Commissioner, was?—A. My recollection is that he did not; that he simply said it was a nephew of the Commissioner's.

Q. And did not name him?—A. No, sir.

Q. Did he in that letter advise you to accept that proposition?—A. No, sir; he did not.

Q. What did he say about it?—A. He merely made the statement to me that such a proposition had been made to him.

Q. That is, Miles did?—A. Yes, sir.

Q. He said that such a proposition had been made to him?—A. That it had come to me through him.

Q. He did not tell you whether he thought you had better accept it or not?—A. No, sir.

Q. He did not express any opinion one way or the other?—A. No, sir.

Q. Did he say whether he thought it was a legitimate proposition or not?—A. My recollection is that he said nothing of that kind.

Q. He said nothing in the world except to state the naked proposition?—A. Yes, sir.

Q. He expressed no opinion as to the propriety or advisability of your accepting it?—A. No, sir.

Q. You say that Mr. Bartles knew about this proposition?—A. I am not positive that he does, but my understanding was that he was there at the time, in Washington——

Q. How did you come to think he knew about it?—A. And that he was approached by the nephew of the Commissioner.

Q. Who told you that?—A. Mr. Miles, I think, told me that.

Q. Did he tell you so in the letter?—A. No, sir.

Q. You had a talk with Mr. Miles afterwards when he came back here?—A. Yes, sir.

Q. What did he tell you in that interview?—A. He told me the same that he had in the letter.

Q. What else?—A. He told me that his recollection was that the nephew had, through Bartles, approached him and told him that he had a proposition to make to me. His recollection was that he wanted about $2,000 for the use of that license. He told him that he would submit to me any fair proposition, but he would not submit any such proposition to me, because I was not making any such money and could not afford to give any such money.

Q. That is what Miles told you he said to Commissioner Atkins's nephew?—A. Yes, sir; to Bartles.

Q. Did Bartles or Miles tell you that?—A. Mr. Miles told me that.

Q. Did he tell you that he said that to Commissioner Atkins's nephew or to Bartles?—A. I understood that he said that to Bartles.

Q. That Bartles had told Miles that he would submit any fair proposition to you, but would not submit that, because you were not making enough money to warrant it?—A. Yes, sir.

Q. Then the only objection Miles had to it was the amount of money required?—A. The only objection that he had to writing that letter to me, I understand——

Q. Was the amount that was asked—he had his figures too high?—A. Yes, sir; very high for Kaw.

Q. Was that the only objection that Miles had to it?—A. That was the only objection, so far as I know.

Q. Where did that interview between you and Miles occur, when he told you of this?—A. In this city.

Q. About what time?—A. I saw Mr. Miles this morning, and had a talk with him.

Q. Did all this interview you have been telling me about occur this morning?—A. I went to Mr. Miles this morning about that letter.

Q. Did you ever go to him before?—A. No, sir.

Q. Then I understand that you never had any interview with Mr. Miles on the subject of this letter which he had written you from Washington from the time the letter was written until this morning?—A. I had on one other occasion. About two weeks ago I spoke to him about it, and told him my recollection was that I had such a letter.

Q. Where did that interview occur?—A. Between here and the Kaw Agency, while I was attending the Kaw payment.

Q. How did you happen to meet him?—A. We rode there together in a buggy.

Q. About two weeks ago?—A. It was longer than that; it was about the first of April.

Q. It was about six weeks ago, then?—A. Yes, sir.

Q. Tell us all about that interview?—A. That was all that was said. I asked him if such was the case; that my recollection was that I had received a letter from him at one time, but it had almost passed out of my memory.

Q. You were not right sure you had such a letter?—A. I was pretty sure I had such a letter.

Q. There was a doubt in your mind about it?—A. No, sir; but I was not certain that it came from him. I asked him if he had ever written such a letter, and he said he had.

Q. That was all that occurred in that interview?—A. Yes, sir.

Q. Have you never had any more talk with Mr. Miles from the time he wrote you that letter from Washington, about this matter, until this morning?—A. No, sir.

Q. How came you to think of it about six weeks ago? It had almost passed out of your mind, you say; what brought it back?—A. I was thinking of this committee's meeting here.

Q. Of course. You knew there was a committee of the Senate coming out here to inquire into these things, and that put it into your head?—A. Yes, sir.

Q. And you told Mr. Miles you had a recollection of having had such a letter from him and wanted to know if it was not so, and he confirmed your doubts by telling you it was so, and there the matter dropped?—A. Yes, sir.

Q. Did you ask him the name of the man who made that proposition?—A. No, sir.

Q. Why did you not ask him that?—A. I do not know.

Q. Nor can I tell. Here was a man making a proposition, through an ex-agent of the United States, to you to get you a license of your own, not to sell you his license.

The CHAIRMAN. No; that is not so.

Q. Was he to get a license for himself or you?—A. For himself.

Q. And he was to put it at your disposal and you were to have the use of it for so much money?—A. Yes, sir.

Q. And the name was not given you in the letter, and you afterwards had an interview with Mr. Miles, a year afterwards, and refreshed your memory about it, and still it never occured to you to ask what that man's name was?—A. It never did.

Q. This morning you had a talk with him before coming on to the witness stand?—A. Yes, sir.

Q. When were you subpœnaed as a witness in this case?—A. About half an hour ago.

Q. Since you had that talk with Mr. Miles?—A. Yes, sir.

Q. Who did you report your talk with Mr. Miles to, this morning?—A. I spoke to Mr. Paul, the clerk of the committee, about it; he is the only man.

Q. You had a talk with Mr. Miles this morning about a letter he wrote you last April a year ago?—A. Yes, sir.

Q. And you let it rest ever since that time until last month, when you had this short interview with him, and you had a full talk with him this morning and reported the result of it to Mr. Paul, the clerk of this committee?—A. Yes, sir.

Q. Now, where did you have your interview with Mr. Miles this morning?—A. At his house where he lives.

Q. You went there to have it?—A Yes, sir.
Q. Did he send for you?—A. No, sir.
Q. You went of your own accord?—A. I did.
Q. What did you go for?—A. I went to see Mr. Miles.
Q. What did you go to see him for?—A. I went to see him about the letter.
Q. This same letter?—A. Yes, sir.
Q. The one that mysteriously disappeared?—A. There is no mystery about it.
Q. You cannot tell what became of it?—A. I cannot any more than I can thousands of other letters I have received.
Q. Very well; what passed between you and Mr. Miles this morning in his house; tell the whole of it now.
The WITNESS. What passed between us?
Senator BLACKBURN. Yes; tell every blessed word, all you can remember; what you said and what Mr. Miles said.
The CHAIRMAN. Has this witness shown any disposition not to tell?
Senator BLACKBURN. No, sir; on the contrary, he is as fluent a witness as I ever saw.
The CHAIRMAN. Then it is not necessary for you to urge him.
Senator BLACKBURN. I shall do it in my own way unless the chairman makes objection, and then I will submit it to the committee.
The CHAIRMAN. I do not make any objection.
Senator BLACKBURN (to the witness). Then, tell every blessed word that passed between you and Mr Miles this morning.
The WITNESS I told Mr. Miles that when Mr. Paul was in the city some time ago, on his first trip here, that I had said to him, in conversation, that I had been approached by Mr. Engels, of Humboldt, Nebr., as I understood, who then had a license to trade with the Kaws, proposing that I run the business there and he furnish the license. That my recollection was at that time I told him I had a letter, but could not recollect whether it was from him, and I came to him this morning to find out. That since that time, after Mr. Paul had left the city, it occurred to me, had come into my mind, that Mr. Miles was the man I had received that letter from, and that I had come to him this morning so as to be certain about it.
Q. Had you not asked him in April about that?—A. Yes, sir.
Q. And he then told you that he was the man?—A. Yes, sir.
Q. And yet you went back again and asked him again if he was the man?—A. Yes, sir; I wanted to be positive about it. He told me that he had written the letter I have described.
Q. Go on.—A. That is the conversation.
Q. That is all that occurred this morning?—A. Yes, sir.
Q. You did not have anything more to say to him?—A. Nothing more.
Q. And he said nothing more to you?—A. He said that such a letter had been written and that it came to him in that way; that Mr. Bartles had come to him, if I understood him correctly, with this nephew, wishing to make such a proposition.
Q. So that he told you this morning that the proposition was made to him by Commissioner Atkins's nephew, who came to him in company with Mr. Bartles?—A. Yes, sir.
Q. In Washington?—A. It was made by Mr. Bartles, I understood it.
Q. But in the presence of Commissioner Atkins's nephew?—A. I so understood.

Q. Did you ask him this morning what the name of that nephew was?—A. I did not.

Q. Do you want to know what the name of that nephew is?—A. I am not particular; no.

Senator BLACKBURN. I do.

The CHAIRMAN. I think you can get the information at the Department without any trouble.

Senator BLACKBURN. I do not believe it can be had anywhere except from the witness; that is my understanding about it. [To the witness]: That is all that passed between you this morning?

The WITNESS. Yes, sir.

Q. You did not say anything to him about your intention to come on the stand as a witness?—A. I did.

Q. Then there was something else?—A. I told him I was expecting to be subpœnaed.

Q. I asked you to tell every word that passed between you and Mr. Miles this morning in Mr. Miles's house. Please go on and tell everything that you said to Miles or that Miles said to you.—A. I have told everything, so far as I recollect.

Q. But you told him you were coming on the stand this morning as a witness to testify to the fact?—A. I told him I was expecting to come.

Q. Had you been subpœnaed then?—A. I had not.

Q. Then why were you expecting to come?—A. I heard that I was to be subpœnaed.

Q. Who told you so?—A. I do not know that I could tell you who told me so.

Q. When did anybody tell you you were going to be subpœnaed?—A. My recollection is that Mr. Paul told me I would be subpœnaed.

Q. When did he tell you that?—A. About the first of this week, I think.

Q. Why didn't you talk to Mr. Miles before this morning, then?—A. I have not been in the city; I have been absent.

Q. Where did Mr. Paul tell you about the first of this week that you were to be subpœnaed as a witness?—A. In my store, in the street here.

Q. What did he tell you he wanted you to prove?—A. Nothing.

Q. And you heard nothing more of your being subpœnaed as a witness?—A. Not until they came to tell me I would be wanted here.

Q. "They;" how many came to tell you?—A. General Upshaw and several other gentlemen; Mr. Paul among the others.

Q. Do you say they came this morning to tell you you were to be subpœnaed?—A. I do not suppose all of them came there to tell me that; they came there to purchase some papers.

Q. Was that before or after the interview you had with Mr. Miles this morning?—A. It was afterwards.

Q. Did you have any talk with any one of them?—A. No, sir.

Q. Neither with Mr. Paul or General Upshaw?—A. No, sir; only at the door here with Mr. Paul.

Q. How came General Upshaw to come there into your store?—A. Indeed I could not tell you.

Q. Did you not see General Upshaw walk in there with me this morning?—A. I saw him walk in there with a gentleman; I did not know it was you.

Q. Is not the Adams Express Company's office kept in your store?—A. No, sir.

Q. What express company has its office there?—A. The Wells, Fargo Express Company.

Q. Didn't you see me come in there and send an express package off this morning?—A. No, sir; I did not.

Senator BLACKBURN. I went in there and got the express agent to fold up a package. Very well; you had no talk with Mr. Paul after you had a talk with Mr. Miles, had you?

The WITNESS. Only at the door. I told Mr. Paul that up to this time I had no recollection of the author of that letter, and that I had found out that it was Mr. Miles.

Q. When did you tell him that?—A. Now; just as I came into the room.

Q. You told Mr. Paul that you had no recollection of the author of that letter until now?—A. Yes, sir.

Q. What did you tell him that for, when you say that six weeks ago you asked Mr. Miles about it and he told you he was the author of it?—A. I told him for the reason that I could not recollect.

Q. Now, right here: If Mr. Miles told you last month, in answer to your question, that he was the author of that letter, then why did you tell Mr. Paul just now at the door that until now you had no recollection of who wrote the letter; was that the truth?

The WITNESS. That I had no recollection?

Senator BLACKBURN. Yes; until now, to-day, when Mr. Miles told you six weeks ago that he was the author of the letter?—A. Well, I might have told him six weeks ago.

Q. Told who, Mr. Paul?—A. Yes, sir; Mr. Paul. But it only occurred to me, this conversation we had, this morning.

Q. You have told all that occurred between you and Mr. Miles this morning?—A. I have.

Q. Didn't you and Mr. Miles discuss the question as to the testimony you were to give here to-day about this letter?—A. We did not.

Q. No reference was made to that?—A. No, sir.

Q. Did you tell him that you were going to testify to-day?—A. I told him I was expecting to testify.

Q. And that you were going to testify on the subject of this letter?—A. That I perhaps would testify on the subject of this letter if it was brought up.

Q. Did you tell him this morning what you recollected as to the contents of that letter?—A. I did not, that is further than to tell him that I had a recollection of such letter being received and of such a proposition as I have described being made, and that I was not certain whether he was the author of the letter or not, and that I came to him to know positively whether he was or not.

Q. Did he reply and tell you that you ought to have been certain that he was the author of it, in view of the fact that six weeks ago he told you that he wrote it?

The WITNESS. How is that?

Senator BLACKBURN. Did he reply and tell you that you should have been certain as to the author, because he told you six weeks ago that he wrote it?—A. No, sir; he did not.

Q. You were not satisfied with his admitting the authorship of it once, but you wanted him to do it twice?—A. Twice; yes, sir.

Q. Didn't you believe Mr. Miles?—A Yes, sir; I did.

Q. Then why did you want him to say it over again?—A. I wanted to extend my remarks with him.

Q. Did you extend your remarks with him? I wish you would go on and tell me all about it.—A. I did to the extent I have told you.

Q. But you said you had all that talk with him as you rode over there in a buggy six weeks ago?—A. No, sir; not all the talk I had this morning.

Q. You have made no additional statement of this morning's conversation.

The CHAIRMAN. The records will show whether he has or not.

Senator BLACKBURN. Yes, the records will show, but it does not show that he made any additional statement. [To the witness.] You stated to him then that you wanted to know, and described the letter, and he told you he wrote it. Now, what in addition to that occurred between you and Mr. Miles this morning?—A. Reference was made on our first trip only to the authority of the letter, as I said before. The conversation that I had with Mr. Miles was passed this morning at this house.

Senator BLACKBURN. I believe that is all I want.

By the CHAIRMAN:

Q. When Mr. Paul, the clerk of the committee, was here last fall, I understand that he came to see you and you told him you had received a letter of that nature, but you could not then remember who you received it from?—A. Yes, sir; that is so.

Q. And then afterwards it came to your recollection that you received it from Mr. Miles, and you asked him some six weeks ago whether you had not received a letter on that subject from him and he said that you had?—A. Yes, sir.

Q. And this morning you went to see him so as to make it perfectly certain that you were not mistaken in his being the author of the letter?—A. Yes, sir.

The CHAIRMAN. That is all.

By Senator CULLOM:

Q. Do I understand you to say what was the amount he offered; was any amount specified in the letter?—A. No, sir.

By the CHAIRMAN:

Q. Do you remember whether or not the letter gave the name of the person?—A. My recollection is that there was no name given at all; he only spoke of the nephew.

By Senator CULLOM:

Q. I thought you said in the early part of your testimony something about $2,000?—A. I said that, but that was not in the letter.

Q. But you got the information from some source, did you not, that it was $2,000 that this unknown man wanted?—A. That was what Mr. Miles told me.

Senator CULLOM. That seems to be regarded as the average annual value of a license down in this country.

The WITNESS. That is what he told me about it.

Senator BLACKBURN. They are worth much more than that; your man Connell made much more than that.

Senator CULLOM. It was $2,000 that the man wanted, as you understood from some source?

The WITNESS. That is what I understood.

By Senator BLACKBURN:

Q. And that was told you by Mr. Miles in your trip to Kaw in the buggy?—A. That was told me this morning at Mr. Miles's residence.

Q. He did not tell you that the morning you were going to Kaw in the buggy?—A. No, sir; he did not.

By the CHAIRMAN:

Q. Did you ever have any conversation with Mr. Bartles about this matter?—A. I have not.

Q. Do you remember whether the letter stated that this nephew of Commissioner Atkins was an employé of the Indian Office or not, or whether you derived that idea from some other source?—A. I think I heard that from some other source; I do not think that was in the letter.

By Senator BLACKBURN:

Q. From what source did you get that?—A. I could not tell you where I did get it.

Q. You just picked that up?—A. Yes, sir; I picked that up.

TESTIMONY OF JACOB H. BARTLES (recalled).

JACOB H. BARTLES was recalled and further examined.

By the CHAIRMAN:

Question. I was not aware when you were on the witness stand before that you knew anything of this matter which has been brought out by the last witness. Do you know anything about this letter having been written, the one the witness has just spoken of?—Answer. No, sir, I do not.

Q. Do you know anything about the matter in any way?—A. I had a talk with young Mr. Atkins in regard to the subject, the Commissioner's nephew; at least he told me the Commissioner was his uncle.

Q. At what place?—A. At Washington.

Q. Now state what that was.

The WITNESS. Do you want me to detail it as it occurred, or in what way?

The CHAIRMAN. I want to get at this matter. It is all new to me this morning. I want you to state it all, everything you know about it.

The WITNESS. The first introduction I had to Mr. Atkins was through a druggist there in Washington.

Senaton CULLOM. You are speaking of the young man now?

The WITNESS. Yes.

The CHAIRMAN. The first introduction was by whom?

The WITNESS. It was through a druggist there in Washington. He said that he and Mr. Atkins expected to get a license to go into trade.

The CHAIRMAN. The druggist did?

The WITNESS. Yes, sir; the druggist; and that he thought I understood the trade, and they wanted a little advice from me. That afternoon he said for me to come to the drug-store, and Mr. Atkins would be there and he would introduce me to him. So I went around and the conversation went on that they expected to get a license and go into the Territory somewhere to carry on the business, he and Mr. Atkins together.

Senator CULLOM. Who, the druggist?

The WITNESS. Yes, sir; the druggist and Mr. Atkins together.

Senator CULLOM. Who was the druggist?

The WITNESS. I do not remember his name.

The CHAIRMAN. Are you well enough acquainted with Washington to remember where the drug-store is situated?

The WITNESS. I cannot tell the street, but I could go to it if I was there.

Q. Proceed with your statement.—A. Finally Mr. Atkins got to talking about the Kaw Agency and wanted to know if the Kaw Agency would not be a good point at which to start a business. I told him I did not think it would be. He wanted to know why; if they could not make $4,000 or $5,000 a year there. I told him that they could not; that I did not think anybody outside of Tom Finney could make a success there. He wanted to know what it was worth. I told him that I did not think it was worth more than $1,500 or $1,800 a year, and I said, "If you are going into the Territory why don't you get a license to go to Osage?" He remarked that they did not have money enough to go into business at Osage, but he thought they had enough to go into business at Kaw. That was about all the conversation we had at that time.

Q. Did you have any subsequent conversation?—A. A couple of days afterwards we met again and the subject came up, and he asked me if Finney was a good business man and I told him that he was. He then asked if he would be a good partner. I told him I thought he would; that I would be willing to go in with him as a partner.

Q. Is this Mr. Atkins you are speaking of?—A. Yes, sir; young Mr. Atkins. He then said, "According to your statement about Kaw, I kind of hate to go there." He says, "I have got a position here in the Post-Office Department—I think he told me—at a salary of $800 a year (or about that as near as I can recollect), and," he says, "I would hate to give that up and go out there if I could not make more money than that." "Well," says I, "my judgment is that you cannot"—that is, for him to go in by himself to run the business as a green man. He then asked if I thought he and Finney could go in together. I told him I did not know; that I did not think there was money enough in it to pay two, "but," I said, "you might make some arrangement of that kind with Finney;" and I think that was about all that was said that day in regard to it. But I discouraged him all the time in trying to get a license for Kaw, and I think in the presence of General Upshaw on one occasion.

Q. Proceed; you saw him again?—A. Yes, sir; I saw him afterwards.

Q. What occurred then?—A. He told me to see Finney, and if they could form a partnership in some way, mutually, why to let him know and he would get a license to trade at Kaw. I then asked him why he did not come to Osage, and told him there was more money at Osage than at Kaw, and he said he did not have money enough to go to Osage, and he did not want to borrow the money; that he would rather hold his position there and stay in Washington than to come out to Osage and borrow the money to go into the business; that it was all new to him, and that if he made a failure he would be a total wreck, or words to that effect.

Q. Is that all that was said?—A. Yes, sir; I came home and saw Finney, and told him what the young man had said, and Finney replied that there was not enough in it to justify a partnership, and that he would rather go out; that there was not enough for two. That was about all that was said between Finney and I.

Q. Did, or not, young Atkins say anything to you about getting a license and having Finney carry on the business under the license?—A. Yes, sir; as a partner.

Q. Was he going to put any money into it?—A. He said he had money. It was my understanding that he could raise about $2,500, and I supposed from the conversation that he intended to put that amount in.

Q. You do not know anything of a letter having been written by Mr. Miles?—A. No, sir; I have no recollection of that.

Q. Did you at any time see Mr. Miles in company with Mr. Atkins?—A. I do not recollect whether I did or not.

Q. You do not recollect that you did, and you do not recollect that you did not?—A. No, sir; Mr. Miles and I had a talk in regard to it.

Q. Where?—A. At Washington.

Q. You do not remember whether Mr. Atkins was present or not?—A. I do not; I do not think he was.

Q. Miles did not tell you that he had written, or was going to write, a letter?—A. No, sir; I have no recollection of it.

Q. In none of these conversations, as you understand and recollect them, did Mr. Atkins say anything about putting in his license and having Finney do the business?—A. He asked me once what he could realize out of it if he could get the license and let Finney run the business, and I told him I did not know; that I did not think he could realize much, because I did not think there was enough in it to divide.

Q. Do you mean that he asked what he could realize out of it by getting a license and letting Finney run the business while he staid in the Post-Office Department?—A. Yes, sir; he staying in the Post-Office Department.

Q. And you told him you did not think he could get much in that way?—A. Yes, sir; that I did not think there was enough to divide up.

Q. Not enough to make it an object?—A. No, sir.

By Senator BLACKBURN:

Q. In any of these interviews which you had with young Atkins, did he ever say that his idea was that he was to furnish no part of the capital, but simply the license?—A. He did, in one respect.

Q. In what way was that?—A. He asked if he could get a license and Finney carry on the business and furnish the goods, what share of the profits could he realize. I told him I did not think he could realize much out of it, because there was not enough in it for two.

Q. You had already told him that Finney, in your judgment, was the only man who could carry on that business at that agency successfully, had you not?—A. Yes, sir.

Q. Did Mr. Atkins ever go with you to Miles and get you to make the proposition there for him?—A. I have no recollection of it.

Q. Where was the conversation had between you and Miles about it, in Washington, do you remember?—A. I could not say; we were together every day or two.

Q. You do not think Mr. Atkins was present?—A. I do not think he was.

Q. Did you ever have but one talk with Mr. Miles about it, in Washington or elsewhere?—A. I could not say.

Q. Do you remember but the one conversation?—A. No, sir.

Q. When you came back here did you have a talk with Mr. Finney about it?—A. I did.

Q. More than once?—A. No, sir.

Q. Where was that?—A. I think it was at the Osage Agency.

Q. Did you tell him all that you knew about this matter?—A. I just told him about what I stated awhile ago, that Mr. Atkins would like to form a partnership or make some arrangement in regard to the busi-

ness, and he simply said that he did not care about going into it; that there was no money in it, and that he would rather go out.

Q. Then Finney was mistaken if he said just now that he never had any interview or talk with you on the subject at all?—A. I think he is.

Q. Did you tell Mr. Miles that Mr. Atkins wanted about $2,000 in consideration of his furnishing a license for Finney to trade at Kaw Agency?—A. I have no recollection of it.

By the CHAIRMAN:

Q. Do you not remember telling Finney or Miles, that Mr. Atkins wanted you to communicate a proposition to put in his license there, and get the $2,000 from Finney for the use of his license, and you told him that there was no use in making any such proposition as that; that you would not communicate any such proposition as that, but that you would communicate any fair proposition; was there not some such talk as that?—A. I do not recollect.

Q. Do you mean to say that there was not?—A. I will not say that there was or was not; I have no recollection.

TESTIMONY OF ARCH M. McCAGUE.

ARCH M. MCCAGUE, having been duly sworn, was interrogated as follows:

By the CHAIRMAN:

Question. Were you a clerk at any time for Mr. T. M. Finney?—Answer. Yes, sir.

Q. At the time he was a trader at Kaw Agency?—A. Yes, sir.

Q. Do you remember to have seen a letter written him by Mr. L. J. Miles with reference to some arangement for a tradership in connection with a Mr. Atkins, in Washington?—A. Yes, sir; I do.

Q. You saw such a letter?—A. Yes, sir; I saw it and read it.

Q. Can you state, from recollection, the substance of the letter?—A. No, sir; I only remember the important part of the letter.

Q. What was the important part of the letter?—A. It was to the effect that a nephew of Commissioner Atkins wanted to furnish a license against Tom Finney's experience, labor, and capital to run the trading store at Kaw Agency.

Q. That, as you remember it, was the substance of the letter?—A. Yes, sir; that was the important thing in the whole letter.

Q. Where did you see it?—A. I saw it in the trading store at Kaw Agency.

Q. Has the matter been brought to your attention or recollection since that time?—A. No, sir; I paid no attention to it.

Q. Have you talked to Mr. Finney about it this morning?—A. Yes, sir.

Q. He asked you about it?—A. Yes, sir; we were talking about it, and he asked me if I remembered it, and I told him that I did.

Q. Do you remember whether the name of the nephew was mentioned in the letter?—A. No, sir; it was not.

Q. Are you still a clerk for Mr. Finney?—A. No, sir.

Q. For whom are you a clerk now, or what is your present occupation?—A. I am in the real-estate business here.

Q. Do you remember about the date of this letter?—A. I remember about the date; I think it was some time in April.

By Senator CULLOM:

Q. What year? It was the year before he gave up the business, was it not?—A. Yes, sir; his license expired December 20, 1885, and this was written the following April; that is my understanding about it.

By Senator BLACKBURN:

Q. You think this letter was dated in April?—A. Yes, sir; I think it was.

Q. You mean this last month a year ago?—A. Yes, sir; a year ago.

Q. How long had you been clerking for Mr. Finney?—A. I went there in 1883.

Q. You went there as a clerk for him?—A. Yes, sir.

Q. And had been with him then until 1886?—A. Yes, sir.

Q. How came you to read that letter?—A. Simply because I was a nephew of Tom Finney's and he made a confidant of me just like a partner.

Q. You are a nephew of T. M. Finney, the trader?—A. Yes, sir.

Q. And he made a confidant of you?—A. Yes, sir.

Q. And you read that letter?—A. Yes, sir; I did read it.

Q. What did you do with it?—A. I handed it back to him.

Q. Did you and he have any talk in regard to it at that time?—A. Yes, sir; he said he did not propose to accept any such proposition.

Q. Why not?—A. He said, in the first place, that there was not enough money for two there.

Q. He did not want to divide?—A. No, sir: and he could not afford to divide.

Q. What did he say in the second place?—A. In the second place, he thought at that time that that gentleman was rather taking advantage of his position.

Q. Of whose position?—A. Of his, Commissioner Atkins's nephew's, position.

By the CHAIRMAN:

Q. That he was taking advantage of his relationship?—A. Yes, sir; of his relationship.

By Senator BLACKBURN:

Q. Did Mr. Finney object to that?—A. Yes, sir.

Q. How was it going to hurt him?—A. It was going to hurt him in such a manner that he could not get out with what money he had made there.

Q. Why not?—A. Because he simply wanted to put up his license against his money and capital, and have Finney go to work and run on as he had, and at the end of the year to hand over half of what he had made, and he could not see any money in that for him; he would not make as much money by half.

Q. Finney had been making some money then?—A. Yes, sir; he had been making some.

Q. How much?—A. He was there three years, and I think the books would foot up about $4,000 for the three years, if he got his accounts collected that were out and sold his buildings for what he put in them.

Q. If he had collected all his debts and got what the buildings cost him, in three years' time his aggregate profit would have been about $4,000?—A. Yes, sir.

Q. That was a little over $1,000 a year?—A. Yes, sir.

Q. So that was his objection?—A. Yes, sir; it was purely a business objection.

Q. Did he hand you that letter to read?—A. Yes, sir; he did hand it to me to read.

Q. And you read it and passed it back to him?—A. Yes, sir.

Q. Were you the only clerk at that store?—A. Yes, sir; I was the only clerk.

Q. There was nobody in there except you and Finney?—A. No, sir.

Q. What was the habit of that business house in the matter of taking care of letters or filing them; did you keep them or throw them away or wrap up goods in them?—A. Some we threw away and some we kept.

Q. What did you do with that one?—A. That is more than I could say.

Q. You never saw it any more?—A. No, sir; I did not file the letters away myself or take care of his letters; he took care of them.

Q. How long had he received this letter before you read it?—A. We had charge of the post-office there, and when we received the letter, as soon as we got business in such shape that we had time to read it, Finney read the letter and handed it to me.

Q. And you read it and handed it back to him?—A. Yes, sir.

Q. And you do not know what became of it afterwards?—A. No, sir; I do not.

Q. How long a letter was it?—A. I could not swear to the length of the letter, but my idea is that it was about two pages and a half, probably.

Q. Was there anything in the letter excepting a statement of that proposition, that a nephew of Commissioner Atkins wanted to furnish a license to be put up against Mr. Finney's experience, capital, and labor as a partner?—A. That was the most important part of it, but since I come to think about it, I think I remember something else that was in the letter.

Q. Tell us about that.—A. It simply stated that a man named W. E. Hardy was at Washington trying to get Tom Finney a license to trade there.

Q. Who was Hardy?—A. He is a Frenchman, I think, who has married a half-breed and has always made his home with that tribe of Indians out at Kaw.

Q. Had Finney sent him on to Washington to get his license?—A. No, sir; the Kaw tribe had sent him on in relation to some of their affairs. The tribe had voted money to send him there.

Q. And this letter stated that he, Hardy, was trying to get Finney relicensed?—A. Yes, sir; but of his own free will and accord.

Q. Did Finney want to be relicensed?—A. Yes, sir; he wanted to be relicensed.

Q. Did you ever have any conversation with Finney about that letter, from the time you read it until this morning?—A. I do not know whether we did or not after that time.

Q. Do you remember any conversation which you had with him?—A. No, sir; I do not.

Q. You do not remember of this letter or this proposition ever having been mentioned between you and Finney from that time until this morning?—A. Well, I would not swear to it.

Q. Do you recollect any such conversation?—A. I cannot say that I do. I could not name the date or when it occurred.

Q. You cannot remember ever to have had a talk with him since that time until this morning?—A. No, sir.

Q. What time this morning did you have a talk with Finney about it?—A. Yes, sir; I did have a talk with him; I had a talk with him last night about it after he came in.

Q. About what time?—A. It was about half-past eight.

Q. At what place?—A. It was going from the store to his home.

Q. Do you mean going from his store, here in this town, to his home?—A. Yes, sir.

Q. Who alluded to the subject first, yourself or Finney?—A. I believe I alluded to the matter first.

Q. How came you to do that; what put the subject into your head?—A. Circumstances brought it up.

Q. Tell us what the circumstances were. More than a year had gone by without its being mentioned; what circumstances put it into your head?—A. The circumstance that there was a Senatorial committee here for the purpose of investigating like charges, and that they had Indian traders and anybody they could get information from in regard to the matter coming before them.

Q. And that fact reminded you of it?—A. And as a matter of fact I knew they had subpœnaed Tom Finney; a certain gentleman had taken his name when he was here before, and as the committee were here on that business it was supposed they would have Finney up before them.

Q. You were interested in it, then?—A. Yes, sir.

Q. Tell us that conversation you had last night, as far as you recollect, everything that passed between you and Finney.—A. I asked him if he was positive that he knew the circumstances regarding that letter; that that was one of the things this committee wanted to find out about, and I considered it his duty to tell all that he knew about it.

Q. You urged him to come before the committee and tell about it?—A. No, sir; I did not.

Q. What did you do?—A. I simply told him the facts.

Q. And you told him that it was his duty to come and tell all that he knew about it?—A. I simply said it was his duty, and he said it was.

Q. That was clear. Well, go on; that is not all the conversation you had, I reckon?—A. It is all that amounted to anything.

Q. Whether it amounted to anything or not, I want you to state, fully, all that passed between you and Finney in regard to this matter last night.—A. That was all that amounted to anything concerning that matter.

Q. Then I will ask you to tell what passed between you and Finney last night about this matter that did not amount to anything?—A. I have already given you all that passed.

Q. That is all that passed between you; and you state that on your oath?—A. Yes, sir.

Q. You had another talk with him this morning, did you not?—A. Yes, sir.

Q. At what place?—A. Out at his home this morning.

Q. How came you to go out there?—A. I went out there to get my breakfast; I board there.

Q. Was it before breakfast or after breakfast that you had this talk with him?—A. It was after breakfast.

Q. What conversation did you have with him about this matter this morning after breakfast?—A. He said that he was going down to see Major Miles, so that if he was subpœnaed before this committee that he could give positive evidence, with a proof of what he said.

Q. What was he going to have a talk with Major Miles about?—A. So that he would not have to perjure himself in what he said.

Q. He did not want to perjure himself, did he?—A. No, sir; he did not.

Q. And in order to keep from doing it he wanted to see what Major Miles would say?—A. No, sir; he wanted to be perfectly sure of what he was saying.

Q. Now, was that all that passed between you and Finney about this matter this morning?—A. No, sir; it was not.

Q. Tell us all of it.—A. He asked me if I was going down town. I said, yes, that I was. He says, "We will go around by Major Miles's together," and we did so.

Q. Did you find Major Miles at home?—A. Yes, sir; he was at home.

Q. Did any conversation occur there between Finney and Major Miles?—A. Yes, sir.

Q. Did you stay and listen to it?—A. Yes, sir; I sat and listened to it.

Q. What was that conversation, all of it, now, so far as relates to this matter?—A. Finney asked Major Miles regarding a certain letter.

Q. You mean the letter which has been referred to?—A. Yes, sir; the letter which has been referred to, asking him again if he had written it.

Q. Had he ever asked him before about it?—A. He said he had; that is all I know about it.

Q. When did Finney tell you he had asked him before?—A. He told me that he had asked him before this morning; that he had heretofore asked Major Miles about it.

Q. So he asked him over again?—A. Yes, sir; it had been quite a time—some time had elapsed since he had asked Major Miles about it.

Q. How long a time had elapsed?—A. I imagine about six months. I do not know that he stated it. He said it had been quite a little while ago, and so many things had come up he might have got it mixed up with something else, and for that reason he asked Major Miles about it again this morning. Major Miles told him that he had written it, and his authority was that Mr. Bartles, in a drug store at Washington, had spoken to him, Major Miles, as coming from Mr. Atkins, the young man, regarding this license business, as I have heretofore stated.

Q. Did Major Miles tell Finney this morning, in your presence, that Mr. Atkins had come to him in Washington in company with Bartles to get him to make this proposition to Finney?—A. I do not remember now whether he said Mr. Atkins was in company with Bartles or not, but I rather think he was.

Q. Major Miles said that to Finney this morning in your presence?—A. Yes, sir.

Q. Who signed that letter that Finney received from Washington and handed over to you to read after he had read it; whose name was attached to it?—A. Why, Major Miles's name.

Q. L. J. Miles?—A. Yes, sir.

Q. Did you ever forget or become uncertain in your mind as to whose name was attached to it?—A. No, sir; I never did.

Q. You knew Major Miles had written it, did you not?—A. I knew that Major Miles had written that letter.

Q. You never did forget that?—A. I never tried to forget it; I tried to think of it.

Q. You never thought anything more about it?—A. I never thought any more about it until yesterday.

Q. Do you mean yesterday or last night?—A. Last night.

Q. After dark?—A. Yes, sir; after dark.

Q. Where was Finney yesterday?—A. Finney came up from Gray Horse yesterday, and arrived here about half past 6 or 7 o'clock, or somewhere along there.

Q. Did you see him before he got here?—A. Yes, sir; I did. I saw him half-way between here and Kaw Agency.

Q. How came you to meet him out there?—A. I went out on purpose to meet him.

Q. What for?—A. Because I wanted to tell him that he was wanted up in Arkansas City.

Q. To testify about this matter?—A. I supposed to testify before this Senatorial committee.

Q. About what?—A. About the general business.

Q. About this proposition?—A. No, sir; not about this letter or proposition, but in regard to all that he knew about it.

Q. You never had thought of this until after dark last night?—A. No, sir.

Q. Who told you to go after Finney?—A. Nobody.

Q. Who did you tell that you were going after him?—A. Mr. Armstrong.

Q. Did you tell anybody else?—A. Yes, sir; Mr. Owen, another partner of mine.

Q. Anybody else?—A. Yes, sir; I told my grandmother.

Q. Anybody else?—A. No, sir; I did not.

Q. Had you any talk with anybody connected with this committee about Finney and his testimony before you started after him?—A. No, sir.

Q. You were not sent for him?—A. No, sir.

Q. You went of your own volition?—A. Yes, sir; I did.

Q. You started for the Kaw Agency to get Finney and bring him here?—A. I expected to meet him.

Q. If you had not met him you would have gone on until you got him to bring him before the committee?—A. To bring him here, and if they wanted him they could bring him before the committee.

Q. How did you know they wanted him?—A. Because they had sent several subpœnas lately to his store for him; Mr. Lannon, who is at his store, told me so.

The CHAIRMAN. We had not subpœnaed him, I think. We found that he was absent, and we have been sending to the store every day to see if he had returned, and I understood last night that somebody was to be sent to bring him in.

Senator BLACKBURN (to Mr. Paul, the clerk of the committee). Has any subpœna been issued for Mr. Finney?

Mr. PAUL. We have sent to his store every day to serve a subpœna upon him, but he has been absent.

Senator BLACKBURN. Did you know of his being sent for?

Mr. PAUL. No, sir; I did not; I never heard of that until now.

Senator BLACKBURN (to the witness). You started after him expecting to meet him between this place and Kaw, and if you did not meet him you were going to Kaw to tell him that he was wanted before this committee?

The WITNESS. I was going to tell him that the committee had been over to the store to subpœna him.

Q. The committee has not been there to subpœna him.—A. Well, the man who was sent; that is what I mean.

Q. And yet you never thought about this proposition or letter until you got back to town here to-night?—A. No, sir; there are a good many other things that I did not think of.

Q. In this connection?—A. Not in connection with that letter.

Q. In connection with this committee work down there?—A. Yes, sir.

Q. What were they?—A. I supposed they wanted him to state what his loss was in being forced out there.

Q. You sat here this morning and listened to the testimony of your uncle, Mr. Finney, did you not?—A. I listened to a part of it.

Q. Didn't you hear it all?—A. No, sir.

Q. You heard this part of it about this letter?—A. Yes, sir; I did.

Q. He was not asked anything about his losses, was he?—A. Not in my presence he was not.

Q. If Mr. Finney had been in doubt for the last year or more as to who wrote that letter to him from Washington, he could at any time have satisfied himself by asking you, because you knew whose name was signed to it, could he not?—A. Yes, sir; I suppose he could.

Q. You had forgotten about it?—A. I had not; the fact is, as I said before, I had not thought of it, and the first time I did think about it at all was when it was broached to me.

Q. By whom?—A. By Mr. Finney, last night.

Q. After you got back to town?—A. Yes, sir.

Q. I thought you said you told him first about it?—A. I told him first; yes, sir.

Q. Then he did not remind you of it, but you reminded him of it?

The WITNESS. Do you mean of the one who sent it?

The CHAIRMAN. What you told him first was that Major Miles sent it.

The WITNESS. No, sir; I did not tell him that Major Miles sent it, first; I only spoke of the letter that he had received.

By the CHAIRMAN:

Q. Did you speak first or did he speak first about it?—A. I spoke first about it.

Q. Do you know anything about a man named Engels coming there?—A. Yes, sir; I do, with a son-in-law of his.

Q. Were you present this morning when Mr. Finney testified about it?—A. No, sir. It was Engle; it was not Engels.

Q. Do you know whether he had a license or not?—A. He said that he had a license.

Q. Did he show it to you?—A. I did not see it; no, sir.

Q. Where did he say he lived?—A. He said he lived in Nebraska; I do not remember the particular place.

Q. Did you hear any conversation between him and your uncle about business, or anything of that sort?—A. No, sir; I did not.

Q. But you know that a man who said his name was Engle came there with his son-in-law claiming to have a license?—A. Yes, sir.

Q. How long did he stay there?—A. I do not remember; it was just a few days, though.

Q. He staid some few days there?—A. Yes, sir; I do not remember just the length of time; it has been quite a while ago.

Q. Who did he stop with, do you remember?—A. I believe he staid at our house. I know he ate some meals there, and it rather strikes me staid there.

By Senator CULLOM:

Q. What has become of him now, do you know?—A. No, sir; I do not.

By the CHAIRMAN:

Q. You never heard of him after he went away?—A. Yes, sir; I heard that he came up to town after he left there and recommended that Tom Finney should be relicensed to trade there.

Q. He recommended it in what way?—A. He recommended Finney as being a good man for the place.

Q. To whom did he make his recommendation?—A. To the Commissioner of Indian Affairs; he sent it on with his resignation. He resigned his license and sent on a paper recommending that Finney be retained there. That is all hearsay. I did not see the letter, but suppose it is on file, if he sent it to Washington.

Q. You think it is on file at the Indian Bureau?—A. Yes, sir.

Q. Who told you that; who did you hear that from?—A. I heard it from Tom Finney.

Q. That is to say, from your uncle?—A. Yes, sir.

The CHAIRMAN. We have sent two or three times this morning for Major Miles, but he is out on business and has not returned. When he comes in we will examine him. I do not think we have any other witnesses present. Chief Keokuk and his interpreter are on the road, but have not yet arrived. I do not know whether I shall need to put them on the witness-stand or not. Moses Neal, the agent, is also expected to be here.

TESTIMONY OF WALTER B. BARKER.

WALTER B. BARKER, having been duly sworn, was interrogated as follows:

By Senator BLACKBURN:

Question. Please state your residence and your present occupation.—Answer. I am now a trader at Darlington, Indian Territory, for the Cheyenne and Arapahoe tribe.

Q. What place did you come from to occupy that position?—A. Macon, Miss., is my home; that is where I claim my residence.

Q. When were you licensed to trade at Darlington?—A. I think my license is dated the 30th of June, 1885, or about that time.

Q. Now, without having to ply you with any number of questions, just go on and state to the committee how you began as a trader there, whether you bought out anybody who was formerly trading there; and if so, what party you bought out, and all the circumstances connected with it.—A. In the first place, after receiving a notice that I would be licensed I went to Darlington. I got there, I think, about the first of July, and at that time the Cheyennes were about to go on the war path, and I thought if that was the case I did not want any tradership there. I spent three whole days there. I went over and called on Mr. Hemphill, who was the only trader that I spoke to or had any talk with on business.

Q. Do you mean the Mr. Hemphill who was a partner with Mr. Woy?—A. Yes, sir. I went in there and made my headquarters with him mostly; but about the only talk we ever had about business was that I said to him that he had more goods at the time than I could handle, especially if the cattlemen were going to leave there.

Q. Had the cattle lease men been ordered out there?—A. Yes, sir. I said to him, though, "Mr. Hemphill, I would like to have a proposition from you." Well, he said he was not prepared to make a proposition; that his partner was then absent, but that he himself would never

consent to take anything less than cost and carriage for his goods. And in this conversation he went on to tell me how he happened to be there. He said that he was the president of a bank at his home, somewhere in Wisconsin, and that a relative of his wife, Mr. Candee, had obtained a license to trade there, and that he had furnished him with some money, and after running the business a while, he ran it in such a reckless, extravagant way that he saw he was about to lose what he had invested, and that his only salvation was to sell out his bank stock and go down and put in the balance of the money, which he did; that he himself had had no experience in the business, and that he thought he would do well if he ever got back the money he had originally invested in the business. I think that was about all I had to say to him, in a business way, at that time. I then returned to New York, being at that time connected with a business house there.

Q. You were traveling for a business house in New York at that time?—A. Yes, sir.

Q. At what salary?—A. I was getting a guaranteed salary of $4,000, and a commission of 5 per cent. on all sales exceeding $80,000. In a few months the affairs of the Indians quieted down, and I concluded I would go back there and see what could be done. I first went to Washington. This, I think, was in October. I do not think it was earlier than the 10th of October, 1885. I went there to see Commissioner Atkins in order to ascertain from him whether it was his intention to retain three traders there. Such being the case I did not want the business.

Q. You did not think there was enough business there for three traders?—A. No, sir. I asked him the question whether he intended to retain three traders there, and he said that was a matter he could not determine; that he could not promise me anything about it, not knowing what the reduction of the business would be on account of these cattlemen being removed. He told me that I could go out there and look into the matter, and he said that he would much prefer, if I could arrange it, that I should make a purchase of either one of those three traders; that it would save him a great deal of annoyance, or something of the kind. I told him I appreciated that and would certainly do so if I could consistently with my own interests. So I went out there. Mr. Woy in the mean time had returned. However, during this time I had received a letter from Mr. Hays.

Q. Hays was another trader there?—A. Yes, sir. Mr. Hays in his letter stated that he owned the business that was run down there in the name of T. Connell, and he said he would like to know whether he could meet me somewhere to negotiate about business; that he would like to sell out to me. I did not answer that letter, thinking I would go out there myself, and I received a telegram from him a week or ten days after that, asking me if I would not meet him in Saint Louis. I answered him that I was going to Darlington and would pass through Saint Louis at a certain time, and said if he would meet me there I would see him.

By the CHAIRMAN:

Q. Where was he then?—A. He was at Wichita or at Darlington, I am not positive which.

Q. It must have been Wichita, I think.—A. Yes, sir; I believe it was. He asked me if I would not meet him in Saint Louis. So I went there and met Hays, and he went on to tell me virtually what he had written in this letter. I told him I was going on down there and if he would go

along we would discuss the matter when we got down there; that it was no use talking about it there in Saint Louis. So he and I went down together. On the way down he wanted to stop at his home, at Wichita, and as I was taken suddenly unwell I staid over there, which I did not intend to do. We staid there a day or probably two days, and then he and I went down together. In the mean time I had discovered that Connell's license ran until, I think, some time in March.

By Senator BLACKBURN:

Q. This was in October?—A. Yes, sir; it was in October, and his license ran until 1886. Commissioner Atkins told me at the time that he was certainly going to let these gentlemen stay there until their license expired, and give them reasonable time to wind up their business after it expired. So that I concluded on that account, in the first place, that I would not entertain a proposition from Hays, for if I was going into the business I wanted to go in at once. So I said to Hays that I did not think it was of any use for him and I to be discussing this matter, and I went on to give him my reasons. "Another reason," I said, "is, you have about as large a stock as Hemphill & Woy, and so far as I have seen there is only one stock I would undertake to buy out, and that is the stock of Reynolds, Doty & Hubbell; it is a clean stock, and is less in amount, and I am going to negotiate with Reynolds and going to help you out with Meeks; that will be your only chance I understand, as Meeks is licensed here." I first went over to see Hemphill & Woy, and told them that it was useless for them to make me any proposition; that I did not think they could make me one that I would accept, and for that reason I did not think it was necessary for them to make me a proposition, but at the same time they could make me one if they wanted to. As to the selling of their stock, they said something to me about it, I am not positive what, but to the best of my recollection they wanted to sell their goods at 25 or 33 per cent. discount, or something of that kind, and I told them I had had a talk with Mr. Charles, who was in charge of their goods, and Mr. Charles had said that he would not give a price exceeding 25 cents on the dollar; that I would be candid with them. Mr. Charles was their stock man to keep up their stock.

Q. Did he buy goods for them from time to time?—A. I do not know whether he purchased goods, but I guess he did, though, for I afterwards employed him to buy my goods, and I rather think he bought a great many of their goods.

By the CHAIRMAN:

Q. Do you employ him still?—A. No, sir; he is not in my employ now. So I said to them then that I would buy their storehouse, but their residence I did not need; I had no family and consequently no use for it. I also told them I would buy some of their goods such, as they could not carry off conveniently—tinware, crockery-ware and the like. I would not say how much I would buy, but would try and help them out, and for those goods I thought I would give them cost and carriage. I asked them then what they would take for their buildings, and they went on to tell me what they cost, and insisted on my making them an offer. I told them it would be folly for me to make them an offer.

By Senator BLACKBURN:

Q. What did Mr. Hemphill say their buildings cost?—A. He said their storehouse, warehouse, corral, and everything cost in the neigh-

borhood of $13,000. I said, "If that would be the cost it would be folly for me to make you an offer. Just tell me what your figures are on them, and I can tell you very soon whether we can trade, or I will make you an offer." They told me then that they would sell me the storehouse and the residence for $5,000.

Q. Did that include the corral?—A. Yes, sir; it included everything.

Q. They said they would sell you all their buildings for $5,000?—A. Yes, sir; everything. I told them I did not want their residence, but that I would give them $3,500 for the balance of the buildings.

Q. What did they value the residence at?—A. They valued it at $1,000.

Q. And that left the balance of $4,000?—A. Yes, sir.

Q. And you offered them $3,500?—A. Yes, sir. They said they could not think of taking that.

Q. When they offered you all their buildings for $5,000 they meant to include the residence?—A. Yes, sir.

Q. And did they mean in that valuation at $5,000 to put the residence at $1,000?—A. I asked them what they valued the residence at, and they said $1,000.

Q. That was not the cost of it?—A. That is what they valued it at; they did not say what the cost was. I told them I thought I was making them a very liberal bid. I said to them, "I will make you a proposition to lease your buildings, and I do not want you to give me an answer now; I wish you to think about it, and I will come here to-morrow morning at 9 o'clock and you can give me an answer." This was in the afternoon between 2 and 4 o'clock. My proposition was this: to take their buildings for four years, to pay them $1,000 annually in advance for four years; and I said to them, "I am a stranger to you, and you do not know whether I am a responsible man or not. I will guarantee to satisfy you that this payment will be made to you for four years whether I stay here or not; and," I said, "think of it now and I will come in the morning at 9 o'clock, and you can give me your answer."

Q. That was a rent you were offering them of $1,000 a year, guaranteed to their satisfaction, which should run four years whether you said or not, making an aggregate of $4,000 in the way of rent for buildings for which they asked $5,000?—A. Yes, sir. I said, in the same connection, that money was worth 10 or 12 per cent., and as I figured that, at the end of four years they would get $4,400 for their buildings.

Q. Were you to have the residence included in this lease?—A. No, sir; I told them I had no use for the residence and did not want it. I went around the next morning and Mr. Hemphill was in there. I did not have any conversation with him, but Mr. Woy met me and we walked out on the gallery, and I said, "I have come to get an answer to my proposition." He said, "Well, it amounts to this: So far as I am individually concerned, I think we ought to take it, but," he says, "Hemphill feels that it is a loss that we cannot sustain, and he feels that the Government will not allow us to lose that much money, and," he says, "he declines to take it, and of course I must do so; but," he says, "my judgment is to take your proposition of leasing the buildings." And in the same connection he went on to say that the buildings were there, and they would be away, and they did not know what their chances would be of collecting their rent, whether they would be allowed to come in there or not. I said I would give them a guarantee for their money for the four years whether I was there or not. I believe that ended my negotiations as to them.

I then went over to see Reynolds, Doty & Hubbell. I had my conversation with Mr. Doty. I said to him, "To be frank with you, I think you have got the best stock of goods, the only stock I can buy with any advantage, and I am willing to buy at least the better part of your goods." I asked them then what they wanted on the goods, and they told me (according to my recollection, though I am not positive about it) that they would offer me their goods at 90 cents on the dollar.

In the mean time, when I was in New York, I will say that I had written Reynolds, Doty & Hubbell that I did not think that I could use their goods, but I offered them $2,750 for their store-house, which they declined, and before I returned there this time I saw a firm up there in Caldwell and they offered to build me a house, and hand over the keys to me, for $2,500, which would have suited me better than any house I could have bought in Darlington. So I concluded then I would not even take their building at $2,750; that I would not even renew the offer. I went in and told them that I would take their building at $2,500; that from their figures on stock I could not entertain their proposition, but I would give them $2,500 for the building.

In the mean time Mr. Doty told me that their building account showed about $3,500 for the cost of the building. I said, "I will give you $2,500 for your building," and I made the same proposition to them that I had made to Hemphill & Woy, with this exception: I told them that I would take their crockery ware, and such goods as they could not re-remove very well, at cost and carriage with 10 per cent. deducted. My reason for making a difference in that proposition between them and Hemphill & Woy was, I was told that Reynolds, Doty & Hubbell bought goods on long time, and I knew if they did so they paid more for their goods than men paying cash for them. That was my object in making a deduction of 10 per cent. in my offer to them.

They declined my offer, and I told them then, "I am going to leave here at 12 o'clock to-day. I have an offer up in Caldwell, from a party there, to put me up a house for $2,500 which will suit me better than yours, and unless you accept my proposition I shall have to take that house instead of yours. I dislike to do it; I would rather have your house because it is on the ground." So just before the stage left, probably an hour before, Mr. Doty came to me and told me he would accept my offer, and I gave him $2,500 for the house. This was in October.

Q. How did you pay him—in cash?—A. I gave him a check on New York, on Latham, Alexander & Co. I then employed Mr. Chandler to look after my interests, as I knew I could not open there for some time. It was uncertain at what time these gentlemen would get away.

In the meantime I had suggested to Commissioner Atkins when I was in Washington that I thought he ought to give Reynolds, Doty & Hubbell an extension beyond what he had given them, to close out their stock. I told them that I was going to do that. So I went to New York and left Mr. Charles there, and they had their goods there and were going to close them out, pack them up and ship them off, which they did; and I think about the 1st of November Mr. Charles, according to my request, came to New York to make my purchases, and my goods were shipped out there and I opened business. Mr. Doty was still there, and got off the last of their goods about the time I opened, which was on the 7th of December, 1885.

Q. You opened business regularly there as a trader on the 7th of December, 1885?—A. Yes, sir. I want to make a statement also in regard to a matter which occurs to me at this moment. There has been a letter read here from me in answer to one written by Hemphill & Woy. When

I saw Commissioner Atkins in October I said to him, "I have received a proposition from a firm down there, Hemphill and Woy, which I do not think is right. I do not think they intend anything wrong by it, but I do not want you to ask me what it is. But I want to say this to you: If they ever want to clerk for anybody down there, if I were you I would not allow it."

Q. What was that proposition?—A. It was the proposition that was read here in that letter. The substance of it was they wanted to know if they could not make some arrangement by which I could employ them as clerks; take the business and employ them as clerks.

By the CHAIRMAN:

Q. It was that they could carry it on on commission or salary, I think?—A. I have forgotten; the letter will show for itself.

By Senator BLACKBURN:

Q. You did not tell the Commissioner what the proposition was?—A. No, sir; I said I did not think those men meant anything by it at all; that they did not think it was wrong, but that I did not feel that it was right for men to do that.

Q. And you advised the Commissioner that in case they made application to be employed as clerks for somebody else down there not to allow it?—A. Yes, sir.

Q. Is there not a regulation issued from the Indian Office at Washington requiring all you traders to keep within certain limits of percentage of profit on the sale of goods?—A. Yes, sir.

Q. Do you do that or not?—A. We do it as far as it is possible.

Q. Do you practically comply with it?—A. Yes, sir; we do. I will explain that by saying that I think I would be very willing to take my profit at that percentage.

Q. You mean the average?—A. Yes, sir.

Q. Do you charge above the average?—A. We charge on some things more than the regular percentage allowed.

Q. But do you charge more than the average profit allowed you by that schedule?—A. No, sir.

By the CHAIRMAN:

Q. What you mean, if I understand it, is that you cannot get the profit they allow on some kinds of goods, and so you do charge on some lines above the profit allowed?—A. Yes, sir.

Q. And in other things you charge less than the amount allowed?—A. Yes, sir. I would like to state right there that I heard Mr. Campbell, who was on the witness-stand yesterday, state that we do not in any case conform to those prices. I went to Mr. Campbell when that order was first issued and asked him about it, and he said, "Why, yes, that is more than you are getting now on your goods; it averages more." And I will say this: That order requires a trader to file his duplicate invoice with the agent, which I have been doing. When Captain Lee was agent the filing of these invoices was not done from the fact, as he remarked to me one day, that he had written to the Commissioner of Indian Affairs that it would take thirteen additional clerks to do the work required in that connection.

By Senator BLACKBURN:

Q. Captain Lee was the Army officer who was there temporarily acting as agent?—A. Yes, sir.

By Senator CULLOM:

Q. Why would it take thirteen additional clerks for him to simply file the papers that you would give him?—A. I mean this: That this order requires that these invoices shall all be copied, as I recollect it, and that there shall be run in columns what the goods cost, what the carriage on them was, what we sell them at, and what that percentage is.

By Senator BLACKBURN:

Q. How many traders are there there now?—A. There is Settle & Caldwell and myself.

Q. Only two?—A. Yes, sir; there are two firms.

Q. There were formerly three stores there?—A. Yes, sir.

Q. A very large percentage of that trade, it has been testified I believe, has been lost by reason of the order driving these cattlemen, land leasers, off?—A. Yes, sir; undoubtedly.

Q. Who recommended you for an appointment at that place?—A. Hon. H. L. Muldrow, First Assistant Secretary of the Interior, and ex-Congressman H. D. Money, of Mississippi. I will tell you how I got it. I think it was along in March, 1885, I wrote to Mr. Money, who lives in my Congressional district, asking him if he could secure me a tradership. I stated to him in that letter that I wished, if he could, he would call on the Mississippi delegation, or such number as he thought proper, and get their indorsement and put in my application. In answer to that he wrote me that he had gone to see Commissioner Atkins, and that as it was a good deal of trouble to go around hunting up those Congressmen he had gone up to Assistant Secretary Muldrow's office and asked him to go into the Commissioner's office with him and recommend me.

Q. Did the Secretary of the Interior have anything to do with your appointment?—A. Nothing whatever.

Q. You were simply indorsed by the Assistant Secretary, Mr. Muldrow, and ex-Congressman Money, of Mississippi?—A. Yes, sir.

Q. Have you been in constant attendance at this agency since you have been trading there?—A. No, sir; I have not. I have been in business there about eighteen months, and I have been absent during that eighteen months, including some time that I spent in going off to purchase goods, about six months. My reasons for being absent in that way were these: In the first place, when I took this tradership I intended, if the business justified it, to take a partner. I had no idea of giving up my New York connection. My idea was, before taking the business, to have a manager, which I supposed would be entirely satisfactory to the Department, inasmuch as I would give a bond, and if I was willing to risk a man to run the business for me they would be. That was my idea. But in May, 1886, I think it was, Mr. Meeks showed me a letter from Commissioner Atkins in which he said that he understood, or had been informed, that he (Meeks) did not remain at the agency, and unless he did do so he should have to surrender his license. Of course I expected to get the same order whenever he found out that I was not there all the time, and so I went to work and shaped my business so as to be able to take charge of the business myself, which I now do.

Q. What is the amount of trade which you do there?—A. I do a business, I guess, of $35,000 or $40,000 a year.

Q. How does your business compare with that of Settle & Caldwell?—A. They have only been there a short while and therefore I could not say. We are very friendly and I am perfectly willing to divide the trade. Certainly we have no collision at all.

Q. Who was the agent on that reservation when you went down there?—A. When I first went down there Colonel Dyer was the agent, and when I returned in October Captain Lee was the acting agent.

By the CHAIRMAN:

Q. How long had Colonel Dyer been there in command?—A. My recollection is that he had been there about eighteen months, so I understood.

By Senator BLACKBURN:

Q. Who succeeded Colonel Dyer as agent?—A. Captain Lee, of the Ninth Infantry, was detailed to act as agent and was put in charge on account of troubles there.

Q. What sort of an agent did he make?—A. If I am any judge of what an agent should be, I do not think he could be surpassed or even equalled.

Q. Was he so regarded by everybody there?—A. He certainly was.

Q. Who succeeded him?—A. Mr. G. B. Williams.

Q. Had Williams been there in any capacity before?—A. Yes, sir; he had been a clerk under Colonel Dyer and under Acting Agent Lee.

Q. He was a clerk under the former administration of the Indian Bureau and he was promoted by General Atkins's administration to the position of agent there, which position he now holds?—A. Yes, sir.

Q. In the selection of men to fill positions in the Indian Territory is it regarded as absolutely essential that they shall be of the same political belief as the administration which appoints them?—A. I cannot answer that question; it would be with me.

Q. Mr. Williams had been there as a clerk under Commissioner Price's administration and was promoted under General Atkins's administration?—A. I do not think it has been the practice there.

Q. Who was the physician in charge of that agency when you first went there?—A. Dr. J. F. De Bra.

Q. Do you know what his politics were?—A. He told me that he was a Vallandigham Democrat, but everybody there told me that during the Presidential election of 1884 they held a sort of primary election among themselves, and they all say that Dr. De Bra worked and voted for Blaine in that election. I do not know anything about it, however, myself.

By Senator CULLOM:

Q. Where did you say that took place?—A. In the primary that they held down at the agency.

Q. Was there a vote down there?—A. Yes, sir; but it was not counted.

By Senator BLACKBURN:

Q. It was not counted in the electoral college?—A. No, sir.

Q. Dr. De Bra was not reappointed as physician on that reservation?—A. No, sir.

Q. Who was appointed physician?—A. Dr. J. W. Grey. There were two others licensed and one came there, but that was in my absence, and I do not know anything about it.

Q. Did not Dr. Given come there with an appointment as physician to that reservation?—A. I was told so by Agent Lee; I do not know anything about it.

Q. When was that?—A. It was in December, 1885.

Q. Did he stay there long?—A. No, sir; they say he only spent a few days there.

Q. What was the matter with him?—A. Well, I think they say he was asleep the most of the time he was there.

Q. They could not wake him up?—A. I believe that is what Dr. Given attributed it to; he said he had been traveling a good deal and lost a good deal of sleep.

Q. The truth is, and it is understood down there, that he was drunk?—A. Yes, sir.

Q. And not fit in that condition to attend to his duties?—A. Yes, sir.

Q. Is it understood down there that Dr. De Bra had anything to do with getting him into that condition?—A. Yes, sir; that is my impression.

Q. That he helped him into it?—A. Yes, sir.

Q. Is it or not understood down there that Dr. De Bra offered him a consideration in money if he would leave there and surrender his appointment?—A. Yes, sir; it is generally understood, and I heard Agent Lee express the same opinion; he expressed it to me.

Q. When you went on to Washington did Dr. De Bra ask you to see the Commissioner of Indian Affairs in his interest?—A. He did.

Q. Did he tell you anything about what might happen to you in the event of your succeeding in getting him reappointed?—A. He did.

Q. What was it?—A. Mr. Chairman, I would like to say, right now, that I am glad Dr. De Bra is here. I understood that he was going away. I am glad that he is here when I make this statement, which is God's truth.

The CHAIRMAN. Is God's truth different from any other truth?

Senator BLACKBURN. Yes, it is the whole of it.

The CHAIRMAN. I asked the witness that question. Is there any difference in truth?

The WITNESS. No, sir; there is not, I suppose.

The CHAIRMAN. I thought not.

The WITNESS. When I left there, as I was going off on the stage—the stage leaving there about 1 o'clock, a few minutes before the stage left, while it was standing in front of the hotel—Dr. De Bra came up and approached me as I was coming out of the hotel, and he said to me: "Now, you are going to Washington and I am unable to find out any reason in the world why I am not reappointed." He says: "You can go there and tell them that these Indians here all like me, and that they want me retained here; and," he says, "if you go there and make that statement I am sure I will be reappointed; and," he says, "if you do so, and I am reappointed, if you get $200 or $300 by express you need ask no questions about it."

Q. What did you tell him?—A. I said to him, "Doctor, I won't take that as an insult, because I do not think you know any better, but," I said, "anything in the world I can do for you I will do."

Senator BLACKBURN. I believe that is all I want to ask you.

By Senator CULLOM:

Q. You say you were first given a license to trade in the Territory the 30th of June, 1885?—A. Yes, sir; my license was dated and issued then.

Q. It was a license to trade at Darlington, Ind. T.?—A. Yes, sir.

Q. You say that Mr. Money and several other members of Congress and other people down in your section of the country recommended you?—A. Yes, sir.

Q. This list of appointments and recommendations which was furnished us by the Indian Office does not indicate that anybody recommended you except the United States Indian agent.

The CHAIRMAN. This license appears in the list sent here to be dated January 21, 1887, which is the renewal of the license undoubtedly.

Senator CULLOM. Where is the record of the first appointment?

The WITNESS. I will explain that. I made an application for the renewal of my license at the proper time. I did not hear anything from it, and I waited and waited, and I think I wrote about it a second time. Finally I wrote on there to a friend of mine and asked him to go to the office and inquire about it, and he did so, and they told him at the office that the matter had been overlooked, and that my license would be sent to me by that mail, and it was sent.

Q. You do not know what is on file with reference to your appointment, do you?—A. All I know is my license reads, "Upon the recommendation of Hon. H. L. Muldrow and Hon. H. D. Money."

Q. Who is Mr. Muldrow?—A. He is the First Assistant Secretary of the Interior, as I said.

Q. He is in the Department there?—A. Yes, sir.

Q. Where is he from?—A. From Mississippi.

Q. From your neighborhood?—A. Yes, sir; he lives 35 miles from my home. He is not in my Congressional district, however.

Q. He was formerly a member of Congress?—A. Yes, sir.

Q. You came out here about the 1st of July, you say?—A. Yes, sir.

Q. And you first began to make an effort to buy out who?—A. At that time, I say, I made no effort except to have a little talk with Mr. Hemphill as to what he would do. I did not make him any offer.

Q. But his statement of what it would cost satisfied you that you could not trade with him; was that the reason you made him no offer?—A. Yes, sir.

Q. Then who did you go to?—A. To no one else.

Q. Then you went back to New York?—A. Yes, sir.

Q. And afterwards you came down to Washington, in October?—A. Yes, sir.

Q. What did you go down there for?—A. I went down there to see how many traders were going to be allowed at Darlington, as I stated.

Q. How many were there then?—A. There were three at that time, Hemphill & Woy, T. Connell, and Reynolds, Doty & Hubbell.

Q. What did they tell you about the number that would be allowed to remain there?—A. Commissioner Atkins told me that he could not say until he ascertained about the amount of trade there, which would of course fall off on account of the removal of the cattlemen.

Q. After you got through your conversation with the Commissioner at Washington, did you come out here immediately?—A. Yes, sir; I came from Washington right here, I think.

Q. Who did you go to then?—A. I went to Hemphill & Woy; well, I had a conversation with Hays; he came down with me, and I went in and looked at his stock casually.

Q. You went back to Hemphill & Woy to see whether you could buy them out?—A. Yes, sir.

Q. What was their proposition.—A. I think their proposition was a discount of 25 or 33 per cent. off their goods, and $5,000 for their buildings, including residence and all.

Q. What did you offer them?—A. I offered them $3,500 for their buildings, exclusive of the residence.

Q. You did not want the residence?—A. No, sir; I had no use for it.

Q. Didn't you offer them after that $1,000 for their residence?—A. No, sir.

Q. Didn't you offer to buy the residence the very next day?—A. I never did.

Q. You did not offer to buy it at all, at any price?—A. No, sir.

Q. Didn't you send Mr. Charles in to see Hemphill & Woy with your proposition to buy the residence?—A. No, sir; I did not.

Q. You are sure of that?—A. Yes, sir; I am.

Q. The result was you did not buy either their goods or buildings?—A. No, sir.

Q. But you offered them $1,000 a year, in advance each year, for the rent?—A. Yes, sir.

Q. For a period of four years?—A. Yes, sir.

Q. How did you happen to make an offer for so long a period of time?—A. Just because I expected to stay there for four years.

Q. Were you assured you would stay there for four years?—A. By no means; but I felt sure that if I behaved myself I would stay there that long, and I knew that I would behave myself.

Q. A good many other people did not succeed in doing so. You were willing to take your chances, in view of your relations to the Administration, or the Department, and you offered $1,000 a year for four years for the rent of those buildings?—A. I did not do that on account of my relations to the Administration.

Q. What was it, then? You felt perfectly solid with "the powers that be" there, did you not?—A. Yes, sir. I said I expected that I should not be disturbed as long as I conducted myself properly and in conformity with the rules and regulations.

Q. And you were willing to make them that offer?—A. Yes, sir.

Q. But they declined it?—A. Yes, sir.

Q. What did you do then?—A. I made a proposition to Reynolds, Doty & Hubbell.

Q. You tried to buy them out?—A. Yes, sir.

Q. How did you get along with them?—A. I bought their store-house and bought $1,000 worth of their goods. I afterwards bought their residence.

Q. What did you give them for their store-house?—A. Twenty-five hundred dollars and $500 for the residence. I bought that residence, and the deed of it is in the name of a clerk of mine from Mississippi, whom I employed there, who expected to bring his family out there.

Q. So you occupied it and own it?—A. Yes, sir.

Q. What did you give for the residence?—A. Five hundred dollars. They told me it cost $800.

Q. And you gave $2,500 for the other buildings?—A. Yes, sir.

Q. And bought a part of the goods?—A. Yes, sir; I did not buy the residence at that time, but afterwards.

Q. What became of the firm of Reynolds, Doty & Hubbell?—A. They left there; about the middle of October they left there; that is to say, Reynolds never was there, and Hubbell left there about the time I did in October, and left Doty there to wind up the business and make collections.

Q. Why did they leave?—A. Their license was not renewed.

Q. Why was it not renewed?—A. I do not know.

Q. You seemed confident that you could get your license renewed for four years. Did you take any steps to get them away?—A. No, sir; I did not; on the other hand, I recommended that they should stay there longer to close up their business.

Q. Still you did not recommend the renewal of their license?—A. No, sir; I did not.

Q. They wanted to stay, did they not?—A. Yes, sir; of course they did.

Q. Their license was not renewed, and they had to sell out and go away; pack up and move?—A. Yes, sir.

Q. And you bought some of their goods and property, real estate and houses?—A. Yes, sir.

Q. What became of those men?—A. They took the remainder of their goods up to Caldwell, as I understood, and sold them out there; I do not know how much, but a portion of them, and I learned that the balance of them were carried to Colorado by Doty, and Hubbell, I understand, is at Geuda Springs; I do not know what he is doing.

Q. Do you know what the result was to these men in a business way, whether they lost much money?—A. No, sir; I do not.

Q. You were not looking after their interests. But it is true that neither Hemphill & Woy, nor Reynolds, Doty & Hubbell, either one of those firms, could be relicensed?—A. They certainly were not.

Q. And it is also true that you got a license for that place, and you felt so sure you could stay there for four years that you were willing to contract to pay a rent of $1,000 a year for that length of time?—A. Yes, sir.

Q. You opened business there, I believe you said, about the 3d of December, 1885?—A. Yes, sir.

Q. And you started in with the programme that you would not stay there much of the time yourself?—A. Yes, sir.

Q. And during the first eighteen months of your tradership, six months of that time, or one-third of the whole time, you were away from the agency altogether?—A. During the eighteen months I was there, I was absent altogether about six months.

Q. If you were absent six months during the first eighteen months you were there, that would make it that you were absent one-third of the time, as I understand it?—A. Yes, sir.

Q. How did you happen to change your programme and stay down there? I understand you remain there now altogether.—A. I stated that in my testimony, but I will repeat it if you wish. I stated that when I obtained my license my idea was not to sever my New York connection, but to go down there and see what the business amounted to, and if it amounted to enough to warrant it I proposed to get a partner and let him run it.

Q. And you continue your connection with the New York house?—A. Yes, sir; and in the mean time to put a man there, a manager, which I did do. I did not suppose, of course, the Department had any objection to that, as I had given a $10,000 bond, and supposed if I was willing to risk my business with a manager they would be. But I think it was in May that Mr. Meeks showed me a letter which he had received from the Commissioner stating that he had been informed that he (Meeks) did not give the business his personal attention, and such being the case he would have to do it or else surrender his license.

Q. Meeks was running a store somewhere else, was he?—A. No, sir; Meeks had put in his license with Hays at the same place.

Q. You took the hint from that and concluded you had better come to your store and attend to it personally?—A. Of course I did. As I said, I expected the same orders and shaped my business accordingly.

Q. Who was your manager, the one you sent down there first when you opened the store?—A. Mr. Charles had charge of my business at

that time. I opened on the 7th of December and Mr. Charles was my manager, and in the first week of January Mr. Eastland, of Mississippi, came out, and he always staid there in charge of the business when I was absent.

Q. Do you regard him as your manager, or is Mr. Charles your manager?—A. I regard him as my manager in the business.

Q. Did he put any money into the concern with you?—A. No, sir; he did not.

Q. Did Mr. Charles put any money into it?—A. No, sir. Mr. Charles had some money on deposit there, $400 or $500, I think it was.

Q. After eighteen months elapsed you changed your programme and went down there, and have remained there ever since, practically?—A. Yes, sir; I have been there ever since last October, I think.

Q. When you first went there and opened business there were three other establishments at that place?—A. Yes, sir.

Q. How many are there now?—A. Two.

Q. Your establishment and one other?—A. Yes, sir.

Q. Yourself and Settle & Caldwell?—A. Yes, sir.

Q. Those are the only two firms there?—A. Yes, sir.

Q. That is one firm short of what there was when you went there?—A. Yes, sir.

Q. Now let us see a little about this percentage business.

By the CHAIRMAN:

Q. First let me inquire whether there is any other branch store in the agency?—A. I have a branch store at Cantonement.

Q. So that you have two stores?—A. Yes, sir.

By Senator CULLOM:

Q. How far is that store from the place we are talking about?—A. It is 65 miles.

Q. You have a license to trade there?—A. Yes, sir; I have.

Q. Alone, or have you a partner?—A. No, sir; I have no partner; it is all my own business.

Q. It is your own store?—A. Yes, sir; I had a license there, but the renewal of my license I never have received. When they first licensed me there I did not give an additional bond for that place, and when that license expired I made application, and it was some time before I heard from them, and when I did hear from them, when they sent my license to Darlington, I had a notice from the Department that whenever I filed my application for Cantonement they would require an additional bond, and so I sent my bond on and never have got that license.

Q. You first began to trade there with a license without any additional bond at this new place?—A. Yes, sir; I had a license, but they said I could trade there under the old bond, which I had given for the other store. That was always considered a part of Darlington. Connell had a branch store there.

Q. Still it is how far away?—A. Sixty-five miles.

Q. You do not undertake to stay at both places at once, I supppose? A. No, sir.

Q. They require you to stay at Darlington, but do not require you to stay at the other place?—A. They never have said they did require me to stay there.

Q. On what theory do they require you to stay at one place, and give you a license to trade at another place, without requiring you to stay there?

The WITNESS. I will explain that to you if you want me to.

Senator CULLOM. I would like to ascertain that, as bearing upon the consistency of this Administration.

The WITNESS. This place of Cantonement has always been regarded as a part of the Darlington Agency. The business there amounts to about $5,000 a year, at the outside. No man would take that business alone; at least I have been trying to sell it out and cannot do so. It would not pay any man to run it. It does not pay me. The only reason I have for keeping up the business is that I have been in hopes that troops would be placed up there, in which case I could make money out of it.

Q. How did you manage to get that license; did you make your own personal application for it?—A. I did.

Q. Did anybody recommend you?—A. I bought out the concern that was there before. It was Mr. Hays's business, but carried on in the name of T. Connell.

Q. Had he two stores?—A. Yes, sir.

Q. He had a store somewhere else, too?—A. Connell had that branch store up there.

Q. How did he manage it; did he stay at both places?—A. No, sir; he had a manager there, just like myself.

By Senator BLACKBURN:

Q. Was it at the agency that the trader was required to stay, or was he simply required to stay on the reservation?—A. My recollection is that the letter I saw said he would have to give the business his personal attention.

By Senator CULLOM:

Q. You have that store now?—A. Yes, sir.

Q. How long have you had it?—A. I have forgotten. I do not know but what I bought them out before I opened in December. I think in November I bought out that stock up there and retained Mr. Connell's manager—Mr. Campbell.

Q. You simply made application for it, and it was granted?—A. Yes, sir.

Q. And you have not been relicensed, because they asked for a new bond, which you have sent on and expect to get a renewal upon?—A. Yes, sir.

Q. How many Indians trade at that place?—A. I really cannot tell you. Agent Williams can tell you; he knows, of course, because there is the roll. The number varies a great deal. In the winter time they go away off and scatter around the country, and in the summer time they come back in there. I should say, probably, there were a hundred and seventy there, but there may be three hundred; I do not know. I think I heard there were one hundred and seventy.

Q. Now, let us talk a little about this percentage business. You say that schedules are made out by the Commissioner, or the Department, indicating the percentage of profit you are entitled to charge on the goods you sell the Indians?—A. Yes, sir.

Q. I think you also said that you did not follow it in detail, but you aimed to follow it in the aggregate; is that the idea?—A. Yes, sir.

Q. Are you sure you do that?—A. I say I conform to it as near as possible to make the average.

Q. How much lower do you sell some things, and how much higher do you sell others?—A. I do not know that I could tell you the percentage.

Q. As a matter of fact, don't you charge two or three times as much as the schedule indicates for some articles, while you do not probably charge as much for some others?—A. Probably I do; and some of the goods I sell at a loss.

Q. Because of the percentage?—A. Yes, sir.

Q. Practically, do you pay much attention to that schedule of prices furnished to you by the Commissioner?—A. We do now. I have in the last five or six months paid attention to it. Before that time we did not pay so much attention to it. That is, as I told you, about Captain Lee. We never did figure the thing out, the prices at which we sell the goods.

Q. Why not?—A. As I told you, Captain Lee said he did not have the necessary help, and was not able to do it.

Q. Does the agency undertake to transcribe all these detailed accounts that you send in in pursuance to the regulation?—A. I do not know anything about that. I put my duplicate invoices on file there.

Q. Do you give them an invoice of everything you sell?—A. Yes, sir.

Q. And just what you sell it at?—A. I give a duplicate invoice of my purchases.

Q. Do you give them anything which shows what you sell the goods at?—A. No, sir; that is stuck up in my store there.

Q. The percentage list?—A. The prices at which we sell the goods.

Q. Do you adhere to the prices named in that list which you post up in your store?—A. Yes, sir; we do.

Q. Literally?—A. Yes, sir.

Q. In every instance?—A. Yes, sir.

Q. Do you post up a notice on the wall of your store that you sell some things at twice the amount of profit authorized by the Commissioner?—A. No, sir; I did not say that. I have a list of prices put up there of the goods that we sell.

Q. But you sell some of your goods above the percentage which is allowed by the Commissioner?—A. Yes, sir.

Q. Do you put up a notice showing that?—A. No, sir.

Q. What do you post up?—A. A list of the prices at which I sell the goods.

Q. Does that not show that you are not adhering to the prices allowed, the percentage?—A. Yes, sir; the agent knows very well that some of those prices are not the exact percentage allowed, but the average is.

Q. Does he come around and look for himself?—A. Yes, sir.

Q. How often does the agent visit the store to find out whether you are complying with the regulations or not?—A. He is in there every day; I do not know that he comes around to see specially about that.

Q. Has any complaint ever been made against any of you by the agent?—A. No, sir.

Q. Has any complaint ever been made by the Indians themselves against the traders?—A. No, sir; none that I know of.

Q. They are perfectly satisfied with the prices that you post on the wall and that you are asking them to pay?—A. Yes, sir.

Q. How far do I understand the Cantonment store to be away from the Darlington store?—A. It is 65 miles.

Q. How often do you go over there?—A. I opened in November and have been up there three times since I opened the store.

Q. What is your arrangement with your manager up there about the conduct of the business, and so on?—A. I pay him $50 a month and his

board, and I have an Indian employé and pay him $20 a month and he boards himself.

Q. What is his name?—A. John New Haden.

Q. Is he interested in that store with you?—A. No, sir; he has no interest whatever.

Q. Where does he come from?—A. From Mississippi.

Q. How many other employés have you there?—A. Two; one at my Darlington store and this man who is with my manager.

Q. Some inquiry was made by Senator Blackburn awhile ago about Dr. De Bra's politics. You said he pretended to be a Vallandigham Democrat, but voted for Blaine down there.—A. I said they said he did; I do not know anything about it.

Q. You said you would consider a man's politics yourself, if you had your own way, in making these appointments. What do you mean by that?—A. I mean by that that if I had the authority I would put my friends in office, providing they were competent.

Q. Suppose they ran out?—A. Then I would get somebody else's friends.

Q. You believe in the doctrine that "to the victors belong the spoils"?—A. Yes, sir.

Q. Absolutely?—A. Yes, sir.

Q. Not only as applied to post-offices, but to tradership and everything else?—A. Yes, sir.

Q. Even to a poor physician at $1,200 a year?—A. Yes, sir.

Q. You would make it apply to them and to clerks? Would you turn out a clerk because he happened to vote for Blaine or some other good man?—A. I would turn out a man to put in a friend who was a good Democrat.

Q. A man would not be a friend of yours unless he was a good Democrat, would he, in your estimation?—A. I have some good friends who are Republicans, but I never would put them in office.

Q. Now, let us look seriously at this. You would turn a trader out who had a stock of goods down there; would put him out of office without reference to what became of him, financially or otherwise, because he was a Republican and did not agree with you, to put in a Democrat?—A. I would not turn him out and break him up entirely.

Q. Has not that been the result in many of these cases?—A. Yes, sir; but I do not think that is attributable to their being turned out; I think they had chances enough to save themselves.

Q. Suppose that suddenly a new Administration should come in, or that the present Secretary of the Interior should take a notion to turn you out to-morrow, what would become of you?—A. I will tell you. I have not got in my stock to-day, at Darlington, in my $11,000 or $12,000 worth of stock, $1,000 worth that I could not sell in some of the States.

Q. You think you could just pick up your goods and walk, and be as happy as ever?—A. No, sir; I would not be as happy as ever, for I have $4,000 in buildings.

Q. What would you do with them?—A. I have paid $4,000 for them, and I will take $2,000 for them to-day, and pay a man 15 per cent. interest on the money.

Q. What is the reason why they have depreciated so rapidly in value and are so much cheaper than they used to be?—A. They are worth that so long as I can hold them.

Q. Do you feel that you are liable to be turned out?—A. No, sir; not at present.

Q. Not until this Administration goes out?—A. No, sir; I am in there yet.

By Senator BLACKBURN:

Q. Suppose the Republicans should win at the next election and you should be put out, would you be surprised?—A. No, sir; I should go to work and get out myself and save them the gratification of putting me out.

By Senator CULLOM:

Q. On the theory that "to the victors belong the spoils" you would want to go out?—A. Yes, sir; and I should think they would want to turn me out.

By Senator BLACKBURN:

Q. You will not complain if they should turn you out?—A. No, sir; and when a man comes down there to buy me out I will say to him, "I know I have got to go, give me the best price you can"; and if I did not want to take it I would haul off the goods and not say anything about it.

By Senator CULLOM:

Q. Wouldn't you want more time?—A. No, sir; I will pledge myself right now not to ask for any extension of time.

Q. Suppose there was only one trader appointed in the place of the two who are there, what would you do then?—A. I should be willing to go, for I have thought all the time that the others ought to go, and I will not go back on that if there is a change of Administration.

Q. You stick to your proposition that the Republicans ought to go?—A. Yes, sir.

Q. And that if the Republicans get into power the Democrats ought to go?—A. Yes, sir.

Q. You referred to some doctor who succeeded Dr. De Bra; what was his name?—A. Dr. J. W. Grey.

Q. Who succeeded Dr. Grey?—A. No one; he is the present agency physician.

Q. Did not some other physician come in between Dr. De Bra and Dr. Grey?—A. Yes, sir; this man Given came in.

Q. He was the man who was sleepy, you say?—A. Yes, sir; drunk

Q. What evidence have you that Dr. DeBra got him drunk?—A. I said it was the general impression that Dr. DeBra got him drunk.

Q. Have you any knowledge on that subject?—A. I said I had not. I said it was the general impression, and that Agent Lee among others told me he believed that he did it.

Q. That is Major Lee?—A. Yes, sir; the acting agent.

Q. Do you not know, or is it not the fact as you understand it, that when Dr. DeBra was relieved he took an account of stock and turned the goods right over to Dr. Given?—A. I was not there and cannot say.

Q. Have you not heard that was true?—A. No, sir; I have not heard anything about it.

Q. Except the impression is that he got the doctor drunk?—A. Yes, sir; it was discussed there and laughed about.

Q. The new doctor did get drunk, there is no doubt about that?—A. I guess not.

Q. How long did he stay there?—A. I do not know.

Q. Where did Given come from—from Mississippi?—A. No, sir; I think he was one of Holman's constituents; he was from Indiana, I think.

Q. What became of him?—A. He left there and went back home, I guess; I do not know; I never heard of him again.

Q. How long was he there?—A. I do not know; four, five, or six days.

Q. Have you not understood that when this man Given took possession and got drunk, that the agent had to call in Dr. DeBra again to attend to the sick patients of the post? –A. No, sir.

Q. You never heard anything of that sort?—A. No, sir; but I suppose he would have done it if he knew that anybody was sick and needed attention.

Q. Dr. DeBra testifies that he was called on duty again and remained on duty until another doctor came.—A. Well, I say I was not there and do not know.

Q. Dr. Grey is there yet, is he?—A. Yes, sir.

Q. Where does he come from?—A. He is from Indiana.

Q. Is he from Holman's district, too?—A. No, sir; I think he is from Mr. Cobb's district.

By the CHAIRMAN:

Q. What is this Red Fork branch store there?—A. Cantonement is the store. I am not at Red Fork; a man named Chapin has that.

Q. That store is on the reservation, is it not?—A. No, sir; that is in Oklahoma.

Q. It is put down on this list, furnished by the Indian Office, as being under the agency. That does not touch your trade at all?—A. No, sir.

Q. Did you have an assurance from Commissioner Atkins that there would be but two traders at that place, at that agency?—A. He told me that whenever he felt that the business would justify a third trader he would put him there. I never had any assurance that he would not put one there; no, sir.

Q. Were you not pretty certain that he would not do so, in some way?—A. Yes, sir; I felt that he would not, on account of the amount of trade there.

Q. Do you know whether or not when you were appointed by Commissioner Atkins you were understood to be a personal friend of Secretary Lamar?—A. I do not know, sir. I am a friend of Colonel Lamar. I am not as close to him, am not as intimate a personal friend of his as Mr. Branham. I am not related to him. Commissioner Atkins knew I was from Mississippi, but I do not suppose that when I was appointed a trader he knew that I was a special friend of Secretary Lamar's, and I am not; I am not an intimate friend of his. I am a friend of his, though, I am proud to say.

Q. You are more than a mere friend; you are an acquaintance, are you not?—A. Yes, sir; I guess you might put it in that way.

Q. This partner that you intended to take into business with you was a Mr. Eastland, was it?—A. No, sir; I did not have any one in view especially.

Q. But when you went there you intended to take in a partner, and not give your personal attention to the business all the time?—A. Yes, sir; that was my idea.

Q. Have you now given up your engagement with your New York house?—A. I have.

Q. Has anybody any interest in your business there, directly or indirectly, besides yourself?—A. No one whatever; every dollar of it belongs to me.

Q. Did you have the money to put into the business?—A. Yes, sir; I did.

Q. Have you any special reason for thinking that it was in May, 1886, that Meeks showed you that letter?—A. No, sir. Here is my idea about it: My business in New York, my spring business, closes about the 1st of April, and my recollection is that I staid there two or three weeks probably, and went out there about the 1st of May. Meeks was either there when I got there or came soon afterwards and showed me this letter; I am not positive which.

Q. It was not a telegram?—A. No, sir.

Q. Was there anything in it about serious insinuations having been made before the Senate committee to the effect that he was not giving his personal attention to the business?—A. Not to my recollection; I do not remember anything of the kind.

Q. Are you postmaster there?—A. I am. Connell was the former postmaster and I succeeded him.

Q. What is it about this schedule of prices? Describe it as well as you can.—A. It allowed a certain percentage only of profit on different goods.

Q. Can you tell upon how many different classes of goods the percentage is regulated; how many classes of goods is that schedule divided into?—A. I think into dry goods for one class, boots and shoes, and probably hats, for another class, groceries for another class, hardware, crockery-ware, queens-ware, and so forth.

Q. Is there a miscellaneous class?—A. I do not think there is; I do not recollect.

Q. Into how many classes, in all, are goods divided in that schedule?—A. I should think into eight or ten classes.

Q. Is there a chance to go outside of the schedule by having goods not classified in the schedule?—A. I think not.

By Senator BLACKBURN:

Q. I want to ask one question of Mr. Barker. What was the percentage of goods kept by traders at Darlington before you went there that were adapted only to the trade of the cattle men and were unsuitable for that market after these cattlemen were ordered away?—A. That would depend altogether upon who the trader was.

Q. But take those three traders whose stock you looked into when you went there; in round numbers, an approximate estimate.—A. I think Connell carried a larger stock for cattlemen than any other trader there.

Q. About what percentage of his stock was adapted to the trade of the cattlemen?—A. I should think about 60 or 65 per cent. of it.

Q. The majority of it then was fitted for the trade of the cattlemen?—A. Perhaps that is rather too large an estimate; probably 50 per cent. would be more correct.

Q. About half of it, then?—A. Yes, sir. It would be rather a difficult matter for me to answer that correctly, for I was never in the cattle trade and do not know.

Q. You bought out Connell at the station store?—A. Yes, sir; at the branch store.

Q. About what amount of business do you do out there?—A. About $5,000 a year.

Q. Did not Hays move a large portion of the stock of goods that he and Connell had out there after the cattlemen were ordered off, because they were unfitted for that market?—A. He told me he did.

By the CHAIRMAN:

Q. Whatever Dr. De Bra may have said to you at the time you were starting for Washington, you told him that you would try to help him when you got to Washington, did you not?—A. I did.

Q. Did you try to help him when you got to Washington?—A. I do not think I ever thought of it, sir, after that.

Q. But whatever there was in that conversation it was not such that you felt it would be improper for you to try and help him after what he had said to you?—A. To tell you the truth, after his remark to me I should not have done it, but very often to get rid of a man you make such statements to him. I was not square and honest in telling him that, that is the truth.

Q. What you told him, then, was not "God's truth," as you say?—A. Yes, sir; it was; it was the solid truth.

TESTIMONY OF EUGENE E. WHITE.

EUGENE E. WHITE, having been duly sworn, was interrogated as follows:

By Senator BLACKBURN:

Question. Please state to the committee what State you are from, what position you hold under the Government, if any, and when you were appointed to it.—Answer. I live in the State of Arkansas, and I am a special United States Indian agent.

Q. When were you appointed to that position?—A. In October, 1885.

Q. Had you ever been in the Indian service before?—A. No, sir.

Q. Where are you on duty now?—A. At the Osage Agency. I have been on duty there since the 10th of March last, as acting agent of that reservation, temporarily in charge.

Q. Who did you succeed or relieve there?—A. Agent James I. David, who was suspended from office by Special Inspector Bannister.

Q. And you were assigned there in his stead?—A. Yes, sir.

Q. How many traders are there at that agency?—A. There are six stores, some of them partnership concerns.

Q. Four of them at the agency, one at Gray Horse, and one at Hominy Creek?—A. Yes, sir.

Q. You do not include in this statement the trader at Kaw?—A. No, sir; there is one trader there and that is under the jurisdiction of that agent, with the superintendent in charge.

Q. When did you go on duty at the Osage Agency?—A. On the 10th of March last.

Q. Have any new traders come there and opened up in business since that time?—A. No, sir.

Q. What is your opinion as to the propriety of keeping that store at Gray Horse and the one at Hominy Creek; is it in your judgment to the interests of the Indians to have those two outside stores kept up, or would it be better for the Indians (I am not speaking of the traders now) to have them all at the agency?—A. That could only be a matter of opinion with me.

Q. I only ask for your opinion.—A. I never have been down to Gray Horse or Hominy Creek, but my information is that there is a large settlement of full-bloods at each place, or in the neighborhood of each of those stores, and being 25 or 30 miles away I would of course suppose

it would be more convenient to them to have the stores there, inasmuch as they must have a store in their neighborhood.

Q. You think it would be more convenient for them to have the stores in their neighborhood?—A. So far as that is concerned I cannot see any difference between the Indian and the white man, when it comes to the matter of convenience.

Q. Do you know whether any of your predecessors, the agents there before you, recommended the establishment of those stores or not?—A. No, sir; I do not. I have looked over the old letter-books somewhat, but not fully, and did not find anything.

Q. Do you know anything about the granting of a license to Mr. Brenner to trade at Osage?—A. Yes, sir; when I was placed in charge I found Mr. Brenner trading there.

Q. Was he licensed?—A. In the first place I looked through the office for a register of the traders and did not find any; none had been kept by my predecessors. Then I looked for the licenses of those traders which should have been on file in the office, and failing to find one for Mr. Brenner I called upon him to find if he had a license. He explained to me that he did not have, but was daily expecting to receive a license. I immediately reported to the Department that he was there in trade and without a license but seemed to have some reason to expect a license, and on that account I had refrained, of course, from taking action against him or closing up his store until I could report the matter and get advice from the Department.

Q. What did the Department tell you?—A. They wrote me that there had been some insinuations as to Brenner's conduct there, which, if susceptible of proof, would be held by the Department to be sufficient cause for denying him a license; that he would be held to be an unfit person to be in trade there, but for me to investigate fully all the complaints.

Q. And ascertain whether he was a proper person to trade there?—A. Yes, sir.

Q. Did you make that investigation?—A. Yes, sir; I made diligent inquiry.

Q. What report did you make to the Department?—A. I reported that I could find no cause why a license should be denied him.

Q. Was a license then granted to him?—A. That report was made a few days ago and I have not heard anything from it. I held the matter open for some time trying to ascertain about it.

Q. In the mean time did the Commissioner of Indian Affairs instruct you to let him go on trading?—A. Yes, sir; that was implied in the letter, and I recommended that license be granted him to date from the time when he opened his store, which was in December or January, understanding that he had abond on file at the Department. He did renew his bond for renewal of license, as I was informed, but the license had been withheld, and I recommended that it be granted to date from the time when he opened business at Osage. He had moved down there from Kaw Agency.

Q. And that report of yours has been made too recently to be heard from yet?—A. Yes, sir; it was made three or four days before I came up here.

Q. What do you know about the granting of a license to Puckett, who was a trader at the Kaw Agency, and his partner Lesarge, or his clerk?—A. They were in trade at Kaw when I came there. I was placed in charge on the 10th, and on the night of the 12th of March, two or three days after I was placed in charge, Lesarge and Puckett came down to Osage and came into the office after supper one night

and told me there had been some correspondence with the Department in respect to a license and there was some hitch in it in some way. It seems they first made application (so they told me) for a license for Puckett and for authority to employ Lesarge as clerk, but they were to be partners. They explained to me (and had explained to Inspector Bannister before) that they did that because it was their understanding that Lesarge being an Indian a license could not be granted to him; that it could only be granted to Puckett; that the statutes did not confer any authority upon the Commissioner of Indian Affairs to license an Indian to trade.

Q. Lesarge was an Indian?—A. Yes, sir; a half-breed and a member of the Osage tribe, I believe. The inspector had told them that that was wrong; that Lesarge would require a license, and they were then in correspondence with the office, so they explained to me. They wanted another letter written that night, but I refused to write it or dictate it, and advised them what course to pursue; to make a plain statement of the facts to the Department, and told them that I would withhold action until they could get some advice from the Department.

Q. What was finally done?—A. The matter is still pending. I telegraphed to the Commissioner a few days ago. In response, however, to their first application, a license came there for Puckett with authority to employ Lesarge as clerk. I returned that license to Washington with the report that these men had called at the office and told me that Lesarge was to be a partner. I returned the license with the recommendation that it be canceled or corrected and a license issued to the two. That has never been done that I am aware of.

Q. Was that done by you recently?—A. I returned that license on the 5th of April. The reason I remember the date is because Puckett and I had some conversation and that was the last time I was at Kaw, two weeks ago, and in reference to the date when I went back I examined the letter-book. On the occasion of my last visit to Kaw Agency the Indians complained to me that these men were not keeping a stock of goods on hand and were not selling anything on account of not having a license, and then they came to me and asked me what they ought to do about it. I advised them not to invest any money in the business or to trade until they got a license, and telegraphed the Department that some action should be taken.

Q. Now, in regard to that saw-mill that Judge Rogers established on Hominy Creek. There was some objection to his doing that on the part of the Indian tribe, was there not?—A. Yes, sir.

Q. Did you have any correspondence with the Commissioner of Indian Affairs upon that subject?—A. Yes, sir; I was directed to inquire into the arrangement.

Q. You were directed by the Commissioner of Indian Affairs?—A. Yes, sir.

Q. What can you state about that matter?—A. I investigated the matter and reported that I found the saw-mill belonged to the Osage Nation; that it was agency property. I also found that Judge Rogers had been placed in possession of it by Agent David without the consent of the Indian council, and that he was running the mill and had sawed about 100,000 feet of lumber, which he had at his yard. When I assumed charge I found a letter in the office advising the Indians——

Q. Who was that letter from?—A. It was from the Commissioner of Indian Affairs to Agent David. This letter advised the Indians that if Judge Rogers had simply failed, without any intention to slight them, to obtain their consent, if it appeared that he did not know it was neces-

sary to have their consent, but only the consent of the agent, they should not take that as an affront or as any indication of a disposition on his part to ignore them, and if the arrangement was really a good one that they ought not to be too obstinate about it if there was nothing improper or corrupt in the arrangement. But they never agreed to it, and the mill was closed down by Inspector Bannister and myself. The Indians refused to give this man Rogers permission to run the mill (which is situated on the bank of the Arkansas River), on the ground that he might ship lumber out by boats and use timber cut from the reservation, which is the common property of the Indians. They said, furthermore, that he was a very active, earnest advocate of railroads, and was trying to have a railroad built through the reservation; and he might succeed in that, and, having the saw-mill down there, he might ship lumber out by rail. Judge Rogers is a very enterprising man, and so far as I could see there was nothing corrupt in the arrangement. It seemed to me to be the best arrangement for the Indians, for he was disposed to sell them lumber at half the price they would have to pay the traders for it, and he would pay them a nominal rent for the mill. But they lacked confidence in him.

Q. Now, in regard to annuity payments at Gray Horse. There was an effort made by Mr. Branham, the trader at Gray Horse, to have a part of that annuity payment made at his store out there. What do you know about that?—A. Three or four days after I assumed charge a letter was received from the office of the Commissioner of Indian Affairs to this effect: It said that, "In response to your letter of a certain date, you are advised that annuity payments on the Osage Reservation will be made at but one place—the agency."

Q. To whom was that letter addressed?—A. To Agent David; but it was received at the office a day or two after his suspension. I remember the last clause of the letter, because it was signed by Commissioner Atkins, and there was something unusual in the letter; he had underscored the two words "the agency" very heavily with his own hand.

Q. That was his refusal to allow any portion of the annuity to be paid at Gray Horse?—A. Yes, sir; it was a notification to the agent that the annuity payment would be made at but one place, the agency, the words "the agency" being underscored very heavily.

By the CHAIRMAN:

Q. Have you ever been in charge of an agency before?—A. Yes, sir.

Q. This is not your first charge?—A. No, sir.

Q. What are the duties of a special agent?—A. They are very varied. In the field at large he is under the direction of the Commissioner of Indian Affairs. His duties at one agency may be of one kind and at another a different kind, but chiefly of inspection and investigation. Where an agent is suspended, or dies, or a vacancy is occasioned from any cause, they are assigned to duty temporarily or until the place may be permanently filled, and detailed to make annuity payments and other disbursements of money.

Q. When your duties consist of investigation and inspection, how do they differ from the duties of inspectors?—A. They do not differ at all, but we have not the same power as inspectors.

Q. But you perform the same duties, to some extent, at least?—A. The duties are very similar throughout, except that we sometimes have to take charge of an agency and have not the power to make removals or administer an oath. We are appointed by the Secretary of the Interior.

Q. Are the inspectors appointed by the Commissioner of Indian Affairs?—A, No, sir; they are appointed by the President.

Q. Neither are appointed by the Commissioner?—A. No, sir. We report to the Commissioner of Indian Affairs, and the inspectors report direct to the Secretary of the Interior and move under his directions.

Q. You have been there at the Osage Agency about two months?—A. Yes, sir.

Q. What proportion of the Big Hill Indians do you suppose you have seen during these two months?—A. I do not know, being unacquainted with them. When Indians come to the office I do not know, in all cases, where they live.

Q. Do you suppose you have seen any considerable portion of them?—A. Yes, sir; I had to investigate the election of the principal chiefs after I came there. A great many of those Indians come into the agency. I send for them.

Q. What reason have the Indians to come to the agency at all?—A. They come there four times a year for annuity payments, and they come whenever they have any business with the agent, any agreement to make, or anything of the kind. They also have gatherings of their own, and in many instances those are about the agency.

Q. You have not been over to Gray Horse at all?—A. No, sir; and I have not been to Hominy Creek either.

Q. Why not; because you do not consider it important, or because you have had enough to do at the agency?—A. I have had all I could do at the agency, and then I have heard of no complaints from either of those places.

Q. Do you not think it is a good thing for the agent to see all the Indians frequently?—A. Yes, sir; and if I was a permanent agent there I would see them several times a year; I would go through their neighborhoods.

Q. Would you not see them much more frequently if the stores were all at the agency?—A. Yes, sir; certainly. I think they would come to town oftener.

Q. How many schools have they established there?—A. There is a boarding-school at the agency, one large school, and there has been a little school established at a place called Rogers's store, on the line of the Cherokee Nation. There is no store kept there now. It is 25 or 30 miles from the agency, in an opposite direction from the Gray Horse store.

Q. Is there any school at Gray Horse?—A. No, sir.

Q. The children from that place, if they go to school, have to come to the agency?—A. Yes, sir.

Q. Is it the same with reference to Hominy Creek?—A. Yes, sir.

Q. Do the children come to the agency; it is compulsory education there, is it not?—A. The school was full to the full capacity of the buildings until the measles broke out a short time ago. They are preparing now to build another large school-house at the agency.

Q. Where do the children come from who attend that school?—A. They are from all parts of the reservation, so far as I know.

Q. They come from the Big Hills and Hominy Creek, and board at the agency?—A. Yes, sir; board in the building.

Q. What was Agent David suspended for?—A. I believe the charge is malfeasance in office.

Q. In reference to what matter?—A. He was charged with being in collusion with traders and mechanics in the purchase of lumber and ma-

terial used in the building of Indian houses, and in regard to the pay and employment of labor, and for general mismanagement of the agency.

Q. Was Brenner one of the traders with whom he was charged with being in collusion with regard to the lumber?—A. At one time the inspector thought there had been a fraudulent transaction between Agent David and Brenner——

Senator BLACKBURN. When you speak of the inspector, you mean Inspector Bannister?

The WITNESS. Yes, sir; Inspector Bannister; and he investigated the matter very thoroughly. He worried Brenner a great deal, and took the testimony in my office, and I heard it. I thought it amounted to nothing, and my understanding was that the inspector reached the same conclusion.

The CHAIRMAN. I suppose Inspector Bannister's reports will all be found in the office of the Commissioner of Indian Affairs?

The WITNESS. Yes, sir. I did not see Inspector Bannister's report, but I heard the testimony when it was given.

Q. Was that the reason why Brenner's license was withheld, or for some other charge?—A. It was because of that matter, and I was directed also to inquire into his conduct at Kaw Agency while he was a trader there.

Q. Did you have any one to assist you in making your investigation?—A. No, sir. I went up to Kaw in person and made inquiry there, and was there two or three different times.

Q. You had no assistance at either place, and you did not delegate anyone at either place to make the investigation?—A. No, sir; I made all the inquiry myself that was made, so far as I know.

Q. The only reason that you suggest here why it is better to have stores at Gray Horse and Hominy Creek is convenience to the Indians, as I understand it; I do not remember that you suggested anything else?—A. That is the only reason I know of. If the traders are honest men and have any disposition to help the Indians (and I suppose of course it is presumed they have, and I do know of traders who do feel that way towards the Indians), they can do them a great deal of good in the way of assisting them to lay out farms, and make contracts for them if they employ white labor to split rails or break the prairie and open farms. I do not know whether those traders down there do that.

Q. You do not mean to be understood as saying whether they do or not?—A. No, sir; I am speaking theoretically; I do not know anything about how those traders down there do.

Q. Actually, is there a happy family over at the Osage Agency now?—A. Everything is going along very smoothly there now, but I understand it has not been so always.

Q. Is there not a good deal of feeling there about these outside stores?—A. Yes, sir; among the traders. They are all stoutly opposed to the stores being continued.

Q. Is not the tendency of it to stir up bad blood among the traders?—A. Yes, sir; and I think there always has been bad blood among the traders. I do not know that it amounts to bad blood, but there is no harmonious feeling between them.

Q. Is not that want of harmony a great deal more noticeable on account of these outside stores?—A. I was at Osage a year ago when there was no store at Hominy Creek, though there was a store at Gray Horse, and I believe the feeling was much worse then than it is now. I do not know how to account for it.

Q. That Gray Horse store was an element in it, then, was it not?—A. Yes, sir; the Gray Horse store was discussed and the traders expressed then, as they do now, the opinion that it was not right, and they seemed to look upon it as a discrimination against them.

Q. Do not all the traders at the agency feel that these stores are kept at Gray Horse and at Hominy Creek by reason of some peculiar influence that Branham and Phillips have with the Administration at Washington?—A. I never have heard them put it in that way. They tell me that they do not think they are on an equal footing with those stores at Gray Horse and Hominy Creek; that there is more trade at either one of those stores, the Gray Horse or the Hominy Creek store, than there is at either one of the stores at the agency or any two stores at the agency. Whether that is true or not I do not know, for I am not well enough acquainted with the reservation to know where the Indians live.

Q. Don't you know this fact, that they feel that those stores are kept there and that they cannot change it, and that it cannot be changed because Branham and Phillips are so nearly related to the administration of Indian affairs?—A. No; I never heard them express it in that way. The fullest expression I ever heard from them has been here in the way of their testimony.

Q. If it were an original proposition, and you knew as much about it as you do now, do you think you would recommend the establishment of stores at Gray Horse and Hominy Creek?—A. I will tell you what I should do. I should limit the number to six stores on the reservation, and if any of them wanted to go elsewhere than at the agency, I would assent to it; I would let them go anywhere they pleased on the reservation, any of them. If I limited the number to six, which I think I would do, and assented to the establishment of a store, or authorized the establishment of any store elsewhere than at the seat of the agency, I would let them all go just where they pleased.

Q. When it comes down to that, would it not be a pretty good thing to have free trade at the agency?—A. No, sir; I do not think so.

Q. Why not?—A. Because, in the first place, the Commissioner of Indian Affairs is charged with the very responsible duty of preventing the introduction of liquor into the Indian country. He is charged with the supervising control of traders, and unless he limits the number he cannot exercise that control and reserve to himself the right to require them to execute a heavy bond, and he will not permit anybody to go into any reservation to make the competition so sharp that they will not be able to make a reasonable living. That I understand is the particular reason why he requires invoices to be filed, so as to know at all times about the amount of resources or anything contributing to the amount of trade there.

Q. I did not mean when I spoke of free trade on a reservation for parties to go there without giving bonds or without having their character ascertained by the Commissioner or to go there without supervision. But I mean this: Why would it not be a good system to allow any man whose character was unexceptionable and who could furnish bonds (but who, of course, would be subject to the supervision of the Indian Commissioner through the agent) to go there and trade; would it be overdone any more than it is in Arkansas City now?—A. I do not know that it would, but this I apprehend would take place, that finding competition so sharp they would resort to schemes and to frauds.

Q. They would be just as much under the supervision of the agent and liable to suspension by the inspector as now, would they not?—A. That is merely a matter of opinion; I may be right or wrong; I do not

know. I am so thoroughly convinced, though, that it would lead to greater disorders, that I would not do it if I were Commissioner of Indian Affairs. I should limit the number to those who could make a living there.

Q. We have one place in the United States, then, where the prohibitory law is enforced, the Indian Territory?—A. No, sir; it is not on the Osage Reservation, but I intend that it shall be if I stay there long enough.

Q. Do you mean to say they have liquor down there?—A. Yes, sir; they have a good deal there, but the traders do not handle it.

Q. How does it get there?—A. It comes in by "floaters," as we call them, whisky peddlers.

Q. A man cannot go down there at all without a permit, if the law is rigidly enforced, to do any kind of trading?—A. No, sir.

Q. Do you not think that system of keeping everybody out except those who have a permit from the Commissioner of Indian Affairs tends to destroy the independence and self-respect of the men who go there?—A. No, sir; I do not know that it does.

Q. Do you not think they are all of them afraid of their lives down there—I do not mean in an actual sense, but afraid that something will happen and they will lose their places?—A. Well, they seem to assert themselves pretty well.

Q. Is it not a remarkable thing, in your experience, to have traders come and state their feelings freely as they have at this investigation?—A. Yes, sir; that may be so.

Q. And do you believe it would have been possible to get that expression of opinion from them in any other way if they had not known this was a committee of the Senate and believed they would be protected in the assertion of their opinions?—A. When I was at the Osage Agency a year ago they expressed themselves just as freely to me and everybody else, if not more freely, than they have before this committee. But I have not heard such complaints since. I have always thought, and still think, that that is largely due to personal ill-feeling towards each other, and as to the cause of that personal ill-feeling I have always understood it was due more to bad faith on the part of some of the traders in observing what they call their "card system" of collecting debts from the Indians. I know they fell out and had a big fight and one nearly choked another to death, I understood, because he violated some obligations of that kind.

Q. Do you not think rivalry is a great deal more intense in trade there than it is here in Arkansas City? I do not mean competition, but rivalry and contention.—A. I do not know how it is here in Arkansas City, and therefore I cannot make any comparison.

By Senator BLACKBURN:

Q. You say that the complaint the traders at the agency make to you about these outside stores is that the outside stores at Hominy Creek and Gray Horse have more trade respectively than the agency stores have?—A. Yes, sir; that is the only complaint I have ever heard from them, and they demonstrate it by figures. Whether their figures are correct or not I cannot say; but they undertake to show me figures to prove that there are more Indians tributary to these stores than there are to those at the agency.

Q. They say that each of these stores has as much trade as any two of the agency stores?—A. Yes, sir; that is what they say.

Q. There are four agency stores?—A. Yes, sir.

Q. Suppose the Commissioner of Indian Affairs should revoke the licenses of two of those stores at the agency, that would equalize it all around would it not?—A. According to their figures.

Q. And that would remove the only objection which you understand they are making?—A. Yes, sir; so far as I know it would.

Q. As to these creeks between Gray Horse and the agency and the agency and Hominy Creek. I am not asking whether they have been swollen and impassable during the short time you have been there, but what do you understand about those creeks; are they represented ever to get at such stages of water as would make it impracticable to ford them and get to the agency from outside stores?—A. Yes, sir; there are some good, large creeks there, and the water rises considerably, but I have never seen them up during the time I have been there. There is a creek called Bird Creek, which runs around the Osage Agency, and is in the form of a crescent there, and another creek, called Clear Creek, coming into the agency, and it also has to be crossed in going to Gray Horse. Bird Creek is the largest one, and the agency mill stands on the bank of it. The mill was supposed to be above high water, but people have shown me, since I have been there, where they had to cut a hole in the roof once to let a man out, the water was so high. But I do not know how often that occurs.

Q. How do the profits of these traders on the Osage Reservation compare with the profits of merchants doing similar business in the State, do you know?—A. No, sir; I do not know; I have not much time to be about the stores.

By the CHAIRMAN:

Q. In regard to the matter of convenience, an Indian does not have quite so much to inconvenience him, does not suffer as much inconvenience in going a long way to stores as the white man, does he?—A. No, sir; he has a great deal more time than a white man.

Q. And naturally roams about and does not settle down in one place?—A. He roams about considerably.

By Senator BLACKBURN:

Q. You reported in the Brenner case that he was a fit man to be an Indian trader there, after examining all the charges made against him?—A. I simply reported that I was not able to discover any reason why he was not a fit man; that if he had been guilty of any misconduct I had not been able to develop it.

TESTIMONY OF GILBERT D. WILLIAMS.

GILBERT D. WILLIAMS, having been duly sworn, was interrogated as follows:

By Senator BLACKBURN:

Question. What place are you from?—Answer. From New York State.

Q. And are you engaged now in Government employ upon the Osage Reservation?—A. No, sir; I am on the Cheyenne and Arapaho Reservation.

Q. How long have you been there in the employ of the Government?—A. Since February 15, 1885.

Q. Do you mean that you have been an agent since then?—A. No, sir; that I have been in the Indian service since that time.

Q. What were you doing before that; before February, 1885?
The WITNESS. Before I went into the service?
Senator BLACKBURN. Yes; were you living out there?
A. No, sir.
Q. You went there?—A. Yes, sir.
Q. In what capacity?—A. I went there in the capacity of clerk to the Indian agent.
Q. Had you ever been a clerk at any other reservation before that?—A. Yes, sir; at the Quapaw Reservation.
Q. You have been there continually since February, 1885?—A. Yes, sir.
Q. What position do you hold there now?—A. I am agent of that reservation.
Q. When were you made agent, and by whom?—A. I was appointed the 12th of August, 1886.
Q. Who did you succeed there?—A. Captain Lee.
Q. What sort of an agent did he make? Were you a clerk for him?—A. Yes, sir. He was thought to be a very excellent agent.
Q. How long was he in charge of that reservation?—A. About a year.
Q. He was detailed from the Army, was he not?—A. Yes, sir; he was.
Q. How many traders were there on that reservation at that time, and how many are there now?—A. There were three there then, and there are two there now.
Q. What was the percentage of trade lost on that reservation to the traders by reason of the ordering off of the cattlemen, in your opinion?—A. That is rather a hard thing for me to tell, but I should think at least 50 per cent., or half of it, because there was $72,000 in lease money that was cut off entirely, besides the outside trade from the cow camps.
Q. In addition to the trade with the cattlemen and their employés there, there was $72,000 annually cut off from the resources of the Indians to trade upon?—A. Yes, sir. This $72,000 was cash paid for grass leases.
Q. Was or was not a large portion of the stock that these three traders had of a character that was fitted to the market of the cattlemen, but not fitted to the Indian service after the cattlemen were ordered away?—A. Oh, yes, sir; they carried considerable stock that would probably only be salable to parties in the cattle business or to white people.
Q. Do you know whether the firm of Connell & Hays removed from the reservation a large part of their stock of goods after the cattlemen were ordered away, because it was no longer suitable to that market?—A. Yes, sir; Hays told me that they boxed up and shipped away a lot of saddles and goods of that kind that he had that were unsalable there and sent them to Saint Louis and sold them for 25 per cent. less than he purchased them for.
Q. That was the result of the order excluding cattlemen from that reservation?—A. Yes, sir.
Q. How many Government employés are there, in round numbers, upon that reservation, I mean in the Indian service?
The WITNESS. Do you mean the whites?
Senator BLACKBURN. Well, take the white ones.
A. Exclusive of the Indians, there are probably forty-five or fifty.
Q. And a good many more than that if you include the Indians?—A. Oh, yes, sir.

Q. Have there been many of those white employés changed within the last two years?—A. Yes, sir; about seventeen or eighteen.

Q. There have been seventeen or eighteen changes made out of the forty-five white employés in the last two years?—A. Yes, sir.

Q. Have you ever known anybody to be discharged from employment there because of his politics?—A. No, I do not know that I have.

Q. Do you know what the politics of those employés are, whether there are more Republicans or more Democrats at work there?—A. I think there are a few more Republicans employed there than there are Democrats.

Q. How are these goods sold by those traders out there; is there not a schedule, circular, or order furnished requiring that they shall not be sold above certain prices?—A. Yes, sir; there is a circular issued by the Indian Office containing the regulations, and I believe the goods are divided into five classes and the percentage of profit is fixed upon each class of goods.

Q. Do the traders on your reservation give substantial compliance to that order? I do not ask whether, in every instance, as to every article, they conform literally to the order; but do they substantially comply with that order as to the rates of charges and profits that they make?—A. Yes, sir; as far as they are concerned they do. The regulations require that they shall file their invoices.

Q. With you?—A. Yes, sir; and their bills of lading also; and then it requires that the agent shall examine them and take the transportation charges and costs and add them to the price of the goods, and then see that a schedule of prices is arranged by the trader, with those percentages added to it of the cost of goods and the transportation. But there is no agency office with a sufficient clerical force to keep track of all that, and to do it; but they file their invoices at the end of every month and they are forwarded to the Indian Office, and they also post schedules of those prices in their stores.

Q. What is the relative condition of that tribe now as compared to what it was when you went there in February, 1885; has it improved; is it better or worse?—A. When I went there in 1885 there were probably not over 300 acres of land under cultivation by the Indians, and now there are nearly 4,000 acres under cultivation.

By the CHAIRMAN:

Q. You have done better than that exceptionally good agent, Major Lee?—A. Major Lee and Major Dyer are entitled to the credit of it.

Q. It was in operation when you went there; it is not a thing you inaugurated entirely?—A. Oh, no, sir; I do not claim that.

Q. What kind of lists do the traders post up in their stores as a schedule of prices; lists which embrace all the articles they have to sell?—A. Yes, sir; as near as they can. Of course there are a great many small articles that they probably would not list, such as ribbons, and tacks, and things of that kind.

Q. They have to keep a great many small articles to accommodate that Indian trade?—A. Yes, sir.

Q. Can they do, and do they do, anything more than post up a list of the leading articles which they sell?—A. Yes; it is quite a full list. I could not say how many articles there are on it, but it is a closely written list on legal cap paper, and it is probably 3 feet long.

Q. For instance, boots and shoes would not be all of the same price?—A. Oh, no, sir. But they give the different prices and qualities of goods.

Q. And so of different kinds of cloths. But the fancy articles you

imagine they do not price very much, do they?—A. No, sir; I do not think they do, those little things.

Q. I understood Mr. Barker to say that for the first six months he was there that schedule limiting prices was not observed very much: what do you think about that?—A. It was not; it was new then.

Q. You have required them to observe that matter more closely?—A. Yes, sir. The Indian Office stirred me up in regard to the matter, and then I took revenge on the traders.

Q. Are there any Republicans trading there now, so far as you know?—A. No, sir; I think they are all Democratic traders.

Q. And how is it in regard to the white clerks in the stores, are any of them Republicans?—A. I do not know what their politics are.

Q. Has Mr. Barker any Republicans around him?—A. Probably not.

Q. All you can say about it is that you do not pay much attention to politics yourself?—A. No, sir; the politics of traders who keep these stores does not bother me any.

Q. How many clerks do you have under your immediate office to help you transact the business?—A. In the office I have three clerks.

Q. Are any of those clerks Republicans?—A. Two of them are Indians, and their politics don't count; the other one is a Democrat.

Q. Would it not be pretty difficult to go through that agency and find any clerks that the traders or the Administration were responsible for, or take much interest in, who are Republicans?

The WITNESS. How is that?

The CHAIRMAN. I say, would it not be pretty difficult to go through that agency and find any clerks that the traders are responsible for, or that are directly in Government employ, who are Republicans?

A. We have two school superintendents down there who are Republicans.

Q. Do you go as far as Mr. Barker apparently would go, and say that the school superintendents should be turned out because they are Republicans when a Democratic administration comes into power?—A. No; I am not quite as positive on that subject as the major.

Q. When you say that probably one-half of the Government employés who are down there are Republicans you take in the school superintendent and the employés at the school?—A. Yes, sir.

By Senator BLACKBURN:

Q. Right on that point, did you ever know anything about Chapin and Murphy down there on that reservation?

The WITNESS. Do you refer to the Chapin who has a license to trade at Red Fork?

Senator BLACKBURN. Yes.

A. Yes, sir; I know him.

Q. Is he not a pretty good Republican?—A. I do not know what his politics are.

Q. How about Murphy?—A. I believe Murphy is a Republican.

Q. They were both retained, were they not?—A. Yes, sir.

Q. What about the present traders there, those traders that you have at the agency now? Are the traders at Darlington men of good character, and are they liked by the Indians and by the people with whom they live down there or not?—A. Yes, sir; they are men of excellent character.

Q. The two firms now consist of Barker and Settle & Caldwell?—A. Yes, sir; Barker has one store and Settle & Caldwell represent the other firm.

Q. What is their standing and character in that community?—A. Their standing is first class.

Q. No complaints have been made in regard to them?—A. No, sir.

By the CHAIRMAN:

Q. What sort of trade has Chapin got there?—A. Chapin's trade is principally with parties passing through the country; he has a kind of ranch for meals, and so forth. His trade with the Indians is very small.

Q. Nobody would go over there except him?—A. I think not.

Q. It would not be esteemed a valuable franchise for anybody?—A. No, sir; I do not think the profits of it are very much; he might make a couple of hundred dollars a year.

Q. The military officer of the district recommended that he should be allowed to remain there?—A. I think the license was granted on Captain Lee's recommendation principally, as an accommodation for travelers passing through the country.

Q. He is away off and has no trade?—A. Yes, sir.

Q. But people go through there sometimes and it is a convenience for them to stop there?—A. Yes, sir. He is near the river, and that stream frequently gets up and there is no way of crossing it, and parties traveling through the country frequently have to remain there for several days.

Q. Murphy keeps a hotel?—A. Yes, sir.

Q. And he is the only instance, so far as you know, of the sparing mercy of the Democratic party on that reservation?—A. Oh, no, sir; there are more than that. Are you speaking of licensed traders?

The CHAIRMAN. Yes.

The WITNESS. There is Mr. Sampson, who is under license down there; he is a Republican.

Q. What is his occupation?—A. He keeps a livery stable.

Q. The Democrats do allow a man to keep a hotel and a livery stable, then, even if he is a Republican?—A. Yes, sir.

TESTIMONY OF LABAN J. MILES (recalled).

LABAN J. MILES was recalled and further examined.

By the CHAIRMAN:

Question. When you were on the witness stand the other day you referred to a matter which has been alluded to again this morning by other witnesses, and I have recalled you for the purpose of asking you further in reference to it. Were you in Washington about April, 1886?—Answer. Yes, sir.

Q. You were not then an agent at the Osage Agency?—A. No, sir; I was not.

Q. When did you cease to be an agent at the agency?—A. In September, 1885.

Q. About April, 1886, you were in Washington. Did you there have any conversation with a gentleman who said his name was Atkins, and that he was a nephew of Commissioner Atkins, with reference to his being appointed an Indian trader at the Osage Agency, or at any other place?—A. I was introduced to Mr. Atkins, but I do not know that I ever had any conversation (I do not remember that I did) in reference to the trade at all.

Q. Will you please state what there was to the matter, and if you wrote a letter on the subject to Mr. Finney, and go on and state in your

own way all you know about it? I have not had any conversation with you upon the subject and would like to have you make a statement in your own way.—A. I left here about the 20th of January for Washington. I had known Mr. Finney for a long while, and his license was pending. I met Mr. Finney before I went to Washington, and he asked me to find out whether his license would be granted or not, for the special reason that payment had been made at Kaw Agency, and if his license was granted he wanted to give the Indians credit, and if not he did not want to grant them credit; therefore he asked me to find out whether or not his license would be granted. Soon after, I went to Washington and I made the inquiry, and the party I inquired of thought the probability was that his license would be granted, and I wrote to Mr. Finney to that effect. Afterwards I inquired again, in the course of a week or two, if there had been any action taken on it. There was no definite answer given, but the general answer was, I would assume, that his license would not be granted; that some one else would be licensed inh is place. About this time, I think it was, Mr. Bartles said to me that there was a young gentleman there who was thinking of getting a license to trade at Kaw Agency, if there was anything in it, and he said that his name was Atkins, and he was a nephew of Mr. Atkins.

Q. A nephew of Commissioner Atkins?—A. Yes, sir; a nephew of the Commissioner. I was introduced to him, but I do not think I ever had any conversation with the young gentleman with reference to the matter at all.

Q. By whom were you introduced?—A. By Mr. Bartles. We met casually on the street, or perhaps at the hotel. I told Mr. Bartles that anything I could do for Finney to help him sell out in any way, I would cheerfully do, and asked him to see the young man and find out what proposition he had to make, and the matter was talked of between Bartles and I, and Bartles talked with Mr. Atkins (so he informed me), but there was no definite proposition to my knowledge ever given, only a casual conversation as to what he would like to do, and this was what I wrote to Finney, the conversation about what Mr. Atkins thought he would like to do. He inquired of me, through Mr. Bartles, as to what there was in the trade and whether it would be profitable; whether I thought there was anything in that trade or franchise or not. This is what I wrote to Finney; no exact proposition, but as a matter of information to Finney in reference to the pending license.

Q. What did you write to him?—A. I wrote to him that possibly there might be a person licensed, and told him the name, that it was a nephew of Commissioner Atkins, and if he was licensed he might possibly want to have him run the store; that was part of the consideration; that he had business and did not want to come out just at present and might possibly want him to run the store for a consideration, part of the profits, or salary, or pay this man so much for his franchise and let him make what he could out of it. I think the three questions were raised in the conversation with Bartles and I, and I understood from Bartles that the same were raised with Mr. Atkins.

Q. Do you remember whether any amount was ever mentioned that Finney would be expected to pay for a license under those circumstances?—A. There were amounts named, but I cannot remember what they were, about the probabilities of what the trade would yield. I think I was asked, directly or indirectly, what I thought the profits of the trade were at Kaw Agency.

Q. How much did you think they were at that time?—A. I thought the profits of the trade were about $1,000 or $1,200 a year.

Q. Do you or not remember that anything was said about his being willing to get a license and let Finney run the store, he paying him $2,000 a year, and that you said there was no use of making any such proposition as that for you would not write any such thing as that?—A. Possibly that might have been mentioned. I think, though, there was more in the trade than I thought there was in it, but I could not remember as to the amount. I know I said to them that I was satisfied Finney would entertain any reasonable proposition for the trade, but as to the exact amount I could not say. There were amounts named as to what the trade would probably yield, but I could not state as to that.

Q. In railroad language, the question was how much the traffic would bear, I suppose; that was all there was to the letter?--A. Yes, sir; but it was not written as a proposition. I never received it from them as a direct proposition, nor did I write to Finney except as a matter of information. He asked me to look after the matter for him and I did so, but I did not receive a definite proposition from them to submit to Finney.

Q. But at the same time I understand that you did tell him that a nephew of Commissioner Atkins would be glad to get a license and make some sort of an arrangement with him?—A. Yes, sir; if there was anything in it that was profitable.

Q. Was that all that was contained in the letter?—A. Probably not.

Q. Do you remember what else you were writing about?—A. I wrote to Finney a number of times during the winter, and obtained through him certificates that I used there in Washington in settling my accounts. I used him as a means of getting certificates for the settlement of the matter that I needed at Kaw Agency, and probably he wrote to me about them. That was the only business I remember in this letter.

Q. Did you in that same letter tell Finney that there was a man there named Hardy who was trying to get Finney relicensed?—A. I could not say whether it was in that letter or not. I probably wrote that to Finney, as Hardy was in Washington.

Q. Hardy was a half-breed?—A. No, sir; he is a white man married to a half-breed.

Q. And he was recommending the continuance of Finney's license?—A. Yes, sir; I think he was.

Q. Do you think now, on reflection, it having been called to your mind, that you did say that in your letter?—A. Yes, sir; it may have been in that letter.

By Senator BLACKBURN:

Q. I understand now from you that you had no conversation with young Atkins with relation to this at all. You were simply introduced to him casually, on the street, and all you learned of this proposition, this desire of young Atkins to go into partnership with Finney at the Kaw Agency, was what you learned through Bartles?—A. Yes, sir; that is my recollection of it.

Q. And you did not communicate that in the nature of a proposition, but simply as a suggestion, out of which something might come provided the trade at Kaw would warrant the partnership of two men?—A. Yes, sir.

Q. As you got your information altogether from Bartles, I will ask you whether Bartles said anything to you which indicated that the Commissioner of Indian Affairs knew or was advised of the action of this nephew of his?—A. No, sir; I do not think he did. He indicated

about this: that the young man said no doubt he could get a license if there was anything in it.

Q. If he could make an arrangement?—A. Yes, sir.

By the CHAIRMAN:

Q. Did you learn what the young man's employment in Washington was then?

Senator BLACKBURN. It is admitted that he was employed in the Post-Office Department.

A. I think I did, but I do not remember. He was in some employment there in the city.

The CHAIRMAN (to Senator Blackburn). What is his name?

Senator BLACKBURN. Will Atkins. I did not know that the Commissioner had a nephew, but General Upshaw tells me that his name is Will Atkins, and that he was then and is now a clerk in the Post-Office Department.

The CHAIRMAN (to the witness). You understood that one of the suggestions which was discussed was that he should remain there, and Finney should use his license, on some terms, at the Kaw Agency?—A. Yes, sir; that was one of the suggestions.

TESTIMONY OF HARRIS BRENNER (recalled).

HARRIS BRENNER was recalled and further examined.

By Senator BLACKBURN:

Question. The other day when you were testifying here you were asked by some member of the committee about the terms on which you borrowed $3,000 from the elder Dr. Isom?—Answer. Yes, sir.

Q. And you said that you gave him a note for $3,000?—A. I did.

Q. About $2,600 of which you paid?—A. I gave to Mr. Branham an order on Dr. Isom after I made the arrangement that the money would be paid.

Q. You said at that time that if you were to pay him any interest at all it was either 10 or 12 per cent.?—A. Yes, sir.

Q. Do you wish to make any additional statement now?—A. Yes, sir. I wish to state this: That I proposed to pay him 10 per cent. annually, and if I succeeded in my business I would probably pay him a little more, perhaps as much as 12 per cent.; but if not, I obligated myself to pay him 10 per cent.

Q. Was 10 per cent. stated on the face of the note?—A. Yes, sir.

Q. What reason had you the other day, if any, for not telling that?—A. The reason I did not want to tell this was, Dr. Isom was here and I knew he would be summoned and could state for himself, for the reason that the legal interest in the State of Mississippi is 6 per cent. or by contract 10 per cent., and if it is more than 6 or 10 per cent. it is not collectable by law. Therefore I did not wish to discriminate, as I knew Dr. Isom could make his own statement.

Q. He would have been liable to the penalties of the laws of Mississippi against usury if you had stated on the face of your contract that you were going to give him any more than 10 per cent.?—A. Yes, sir.

Q. So that you did make a contract and obligate yourself to pay 10 per cent., with a promise besides that if you succeeded in business you would pay him 12 per cent.?—A. Yes, sir; and of course Dr. Isom was here and I thought he would make a statement, and I knew he would make it to that effect.

Q. Now that you are on the witness-stand again I will ask you a question. In the transfer of that stock of goods from Schiff bauer, his half interest in it, to you, and the partial investigation that you made into the invoice taken in your absence by Mr. Florer and others, were the discrepancies and mistakes you found all of them very small and inconsiderable?—A. I would like to make a statement in regard to that.

Q. You may do so.—A. I went over to the Osage Agency after Mr. Schiff bauer had seen me at Kaw Agency in going to Arkansas City. He stated to me that he wanted to sell me his interest at the Osage store. I told him that I did not know whether I was able to buy it or whether I could obtain a license. He said to me, "Yes; I know you can." I said to him, "How do you know that I can?" He said, "I was told in Arkansas City, when General Atkins was here, that you were a deserving young man, and that you complained that you did no business at Kaw to amount to anything, and I am satisfied if you apply for it you can get it."

By the CHAIRMAN:

Q. Who told you that?—A. Mr. Schiff bauer; not the gentleman who testified here yesterday, but his brother; the one who owned the store. I told him, "Very well; I will be over during payment at Osage and we will talk the matter over." When I got there we talked the matter over in the presence of Mr. Branham and Mr. Schiff bauer and this gentleman who was here yesterday, both of them together. Finally we agreed that I was to give him 85 cents on the dollar for the buildings and cost and carriage for the stock, dry goods, clothing, boots and shoes, groceries, and everything contained in his stock, and the trade was closed. Mr. Branham is very hard of hearing and did not understand about it, and Mr. Schiff bauer related the transaction to him. Branham objected, on the ground, as he said, that he was willing to take 85 cents on the dollar for the buildings that he had a year's use of, but there was a cellar and corral which he had just finished and he was not willing to take anything off of them, and if he could not get dollar for dollar he would object to the sale. The cellar cost one hundred and sixty dollars and some odd cents and the corral cost $104.05, and the whole amount involved would not be more than $35. Finally I told him I was willing to do that; that I would give him actual cost for the cellar and corral and 85 cents on the dollar for the store-house. The store-house cost about fourteen hundred and some odd dollars to build it; as well as I remember it was between $1,400 and $1,500 altogether; close to $1,500; I do not think it cost over that. The cellar cost $160 and the corral $104.05; I remember that distinctly about the corral business. After we made the trade I said to him, "Now, you understand me; I will do this provided I can obtain a license to trade here." He said, "Oh, I know you can get it." I said, "I do not know, but I will try; but if I find I cannot I do not want you to hold me responsible for this trade." He said it was all right.

Just about a day after that, it seems to me, I was told that Dr. Dodson was about sending a telegram to the Indian Office asking if he could obtain a license; that he had traded with Branham & Schiff bauer. I was not aware of the fact, and so I went back to the store and saw Branham and Schiff bauer together. I said, "Schiff bauer, I have been informed that you have traded with Dr. Dodson?" "Well," he says, "we just talked about it; I didn't know whether my brother closed his trade with you or not." I said, "Why, Schiff bauer, you certainly knew it, for we were both together." He said, "I did not understand it that

way." I said, "Schiffbauer, it makes no difference to me, but I want you to understand I am no child in regard to making this trade. However, if you have made another trade that leaves me out, it is all right." After a few minutes talk with his brother he came to me and said, "You go with me to Dr. Dodson and I will explain the matter, and if he has not sent the telegram off I will withdraw it." I said, "No; I do not want to go." He insisted on my going, and we went over across from our store, a little ways off, and saw Dr. Dodson. He said he was sorry, but he had sent the telegram off, and he looked a round and saw the mail-wagon going, and he ran after the wagon and took the telegraphic despatch from the mail-carrier. A day or two after I left the country and went to Washington, and on my way back I bought $5,000 worth of goods, as the stock was low, or something about $6,000 worth—$2 or $3 more than $6,000—that is, with the house, corral, cellar, and everything all told.

Senator BLACKBURN. That is all I want from you.

The WITNESS. I want to tell about the invoicing of the goods. When I got to Osage and found Florer and Schiffbauer had invoiced the goods, they asked me if I was not satisfied with the invoice. I said I saw no reason why I should not be, but at the same time I would like to look through the stock and see how it was invoiced, see if it was properly done. The first thing I struck was some hose that cost about 60 cents a dozen, and they were in a box marked 23 cents a pair.

The CHAIRMAN. How many of them?

The WITNESS. There were about nine or ten or eleven pairs, perhaps not quite so much as that; perhaps it was two or three boxes; I do not remember. Then there were a great many other things in the same way. One thing I found was twenty-six "squaw-axes," as they are called. I never carried those goods and did not know the price of them, but I found they were invoiced at 96 cents. On looking at the bill I found those goods did not cost but 54 cents; and there were various other things of the kind that I cannot recall exactly. So I told Schiffbauer he had better take an account of stock; that I did not want to take advantage of him, and I knew he did not want to take advantage of me, and that the fair thing would be to take another invoice. He said it would take time, but finally consented and we went hurriedly over it. We only opened the small things. Schiffbauer did the measuring of the calicoes, dress-goods, ginghams, and things of that kind. The calicoes fell short 400 to 500 yards from the first invoice, and Schiffbauer did his own measuring; I did not measure a yard of it. Then when we came to the grocery department I did not invoice at all, because, as he said yesterday, they were original packages. The groceries and everything of that kind I took off from his bill, and I believe it amounted to $900, and we took a great many other things from their bill in order to get through. After we were through we found there was a difference between the first and second invoice of about $320 to $340.

By Senator BLACKBURN:

Q. It was not a difference, then, of $500?—A. No, sir; it seems to me the amount was $340 or $360, or something like that. Schiffbauer then proposed to me to split the difference and let us get through with it. I told him I preferred to take a regular invoice like business men; that I did not think it was right for me to take a stock of goods the way they had invoiced it there; that it might invoice more or less, but whatever it did invoice I was willing to take and pay the money for. He said he had to go back to Arkansas City.

Q. Who said that, Schiffbauer or Branham?—A. The Mr. Schiffbauer who testified yesterday; the other brother was sick in bed at the time. Finally I agreed to give him $120 more than the first invoice, which was not quite half, and he agreed to take it.

Q. You do not mean more than the first invoice, do you?—A. No, sir, I mean the second invoice. Mr. Branham said he would not take a cent off. He said, "There is Florer, a disinterested party, who has taken the stock carefully, together with Mr. Schiffbauer, and you went over it hurriedly and I have reason to believe that the stock of goods is correct as first invoiced and I will not take anything off." Mr. Branham said that. I left them and went on the street, and in an hour later I came back and they had not decided what to do. Mr. Branham then said, "We will take an invoice and get through with it." Mr. Schiffbaur said, "I cannot stay here," and Mr. Branham said, "I cannot stay here; I have to go to Gray Horse to take stock there." Finally I agreed to give him a little more than at first offered, and we traded in that way.

Q. Then you did give what the invoice showed when taken by you and Schiffbauer, and more than $120 besides?—A. Yes, sir; and I have Schiffbauer's own handwriting making up the bills and accounts, taking 15 per cent. off from the house and the goods, and it shows very plainly what I gave him. I also offered $100, I will say $160, more than the invoice at the second time, and I have the offer in my safe today to show it.

By the CHAIRMAN:

Q. Where is your safe?—A. At the Osage Agency.

Q. You will show it to us when we come down there?—A. Yes, sir; I have the first invoice and the second one.

Q. So the amount of interest you were going to pay Dr. Isom depended on the amount of profit you would make there?—A. Not exactly. If it paid me I was to pay more than 10 per cent.; if not I was responsible only for 10 per cent.

Q. And you were to be the judge of when you were to pay 12 per cent?—A. Yes, sir.

Q. Do you mean that he left it in that way with you; that it was entirely at your option whether you paid 12 per cent. or not?—A. Exactly.

Q. If 10 per cent. had been written into the note would that have been legal interest in Mississippi?—A. On contract it is.

Q. I mean to say, if the note had been drawn expressing on the face of the note that the interest would be 10 per cent. would that be legal interest?—A. On contract it is.

Q. Would it be on a note; could he collect a note and 10 per cent. interest?—A. No, sir; I do not think he could make me pay it. That is the way I understand; of course I am not posted on law.

Q. And whether you were to pay 12 per cent. or not depended on whether you thought you had made money enough there so that you felt you could afford to do it?—A. Yes, sir.

Q. Did you ever pay him any interest?—A. I did not pay any interest at first for the note I gave him. He went home. It was all done by correspondence. I asked him for the money, and it was agreed that he should let me have the money when the goods were taken——

Q. You have the letter he wrote you in your safe, have you?—A. No, sir; I do not believe I have.

Q. What has become of that?—A. I may have it at home.

The CHAIRMAN. I hope you will show us that, too, if you have it.

The WITNESS. I may possibly find it; I have many letters.

Q. Do you know of anybody else to whom Dr. Isom loaned money around here on those terms?—A. I do not know of any one.

Q. Do you think he loaned money to Branham on those terms?—A. I do not know.

Q. Do you know whether he let Branham have any money?—A. No, sir; I do not know anything about it.

Q. You have paid no interest whatever, at any rate. I will ask you whether you paid any interest at all?—A. No, sir; I have not paid him any interest at all.

Q. You renewed the note?—A. You asked me at first whether I ever paid him any interest, and I told you that I did not. You said, "May be you didn't pay him any interest at all." I said, "No; I didn't, for the simple reason that I have not renewed the note. I only gave an order to Branham for the money to be paid, and when I gave him the note, I gave him the note from the date that the money was paid by Dr. Isom to Mr. Branham.

Q. When did you give him that note?—A. About four months ago; between three and four months ago; I do not remember the date.

Q. When did you take possession of the Osage store?—A. I took possession of the Osage store, I think, about the 29th of December, or near the 1st of January; I do not remember the exact date. After we got through I gave an order to Branham—he can state whether I did or not—and the note bears interest from the date when the money was paid over; whenever it was paid by Dr. Isom to Mr. Brenham, that is is the time the interest commenced.

Q. Did you take up any paper when you gave the note?—A. I took up the order when I gave the note, of course. I destroyed the order; at least when I went home he showed me the order, and I gave the order to Branham; I am not certain, but I think I have the order.

Q. You gave Branham an order for the money?—A. Yes, sir; on Dr. Isom.

Q. Then if Dr. Isom gave Branham the money he took the order—A. Yes, sir.

Q. And then you gave a note to Dr. Isom?—A. Yes, sir.

Q. Then you ought to have gotten the order from him.—A. Yes, sir; I think I have the order.

Q. What has become of that order?—A. I possibly have got it; may be I tore it up, I do not know. It would not amount to anything anyhow. It is merely an order for the money, and if he has my note that is all that is necessary.

Q. When you got the order you gave the note at the same time?—A. Yes, sir.

Q. Where was Dr. Isom then?—A. In Oxford, Miss.

Q. You went down there and saw him?—A. Yes, sir; I have been home twice since then.

Q. Have you made up your own mind since whether you are going to pay him 10 or 12 per cent. interest?—A. That depends on the business.

Q. What do you think about it; do you think the business is likely to be profitable enough so that you will be able to pay him 12 per cent. interest?—A. If I had made that kind of agreement I do not think it would yield 2½ per cent. I do not know how it is going to terminate from my last four months' experience.

Q. You think 10 per cent. will be all that he will get?—A. I think 10 per cent. will be very high.

TESTIMONY OF JOHN MURPHY.

JOHN MURPHY, having been duly sworn, was interrogated as follows:

By the CHAIRMAN:

Question. You keep a hotel or boarding-house at the Cheyenne and Arapaho Agency?—Answer. Yes, sir.

Q. Did Mr. George C. Ellison come there and board with you at one time?—A. There was a gentleman there by that name; yes, sir.

Q. He was the man who came there from Washington and who said he had a license to trade?—A. There was a gentleman there we called Colonel Ellison; whether he had a license to trade or not I do not know.

Q. Are you the person who had some words with him about his coming down late to breakfast?—A. No, sir.

Q. Was it your wife?—A. I happened to be away just at that time.

The CHAIRMAN. If you were absent from home I will not make any inquiry of you about it.

Senator BLACKBURN. Mr. Chairman, I will state here that General Upshaw expressed a box containing records of the Indian Office to Saint Louis, and from there it was sent by express, by mistake, to Arkansas City, *Arkansas*, instead of to Arkansas City, *Kansas*, and I will ask at some subsequent meeting of the committee leave to present those records to be incorporated into the testimony if I find they throw light on any of the subjects about which we have been inquiring here. They are the records of the Indian Office relating to these tradership.

The CHAIRMAN. I expect to call the committee together a few days prior to the opening of the next session of Congress, and in the mean time I shall probably desire to call the attention of the Indian Office to some other documents which I should like to obtain, that have been referred to in the testimony we have taken, and at the same time I shall most probably have a few additional witnesses to examine.

The select committee then adjourned, to meet again at the call of the chairman.

Select Committee on Indian Traders.

WASHINGTON, D. C.,
Friday, January 13, 1888.

The committee met, pursuant to the call of the chairman, at 10.30 o'clock a. m., all the members present.

The committee for the Fiftieth Congress, as constituted by resolution of the Senate of December 12, 1887, is as follows: Messrs. Chandler (chairman), Platt, Cullom, Coke, and Blackburn.

The resolution authorizing the committee to continue its investigation during the present Congress was then read, as follows:

IN THE SENATE OF THE UNITED STATES,
December 20, 1887.

Resolved, That the Select Committee on Indian Traders be, and hereby is, authorized and directed to continue the investigation directed to be made under Senate resolution of June 3, 1886, with all the authority and powers heretofore granted to the committee, including the taking of testimony and the employment of a clerk and a stenographer; and that all necessary expenses of such investigation be paid out of the contingent fund of the Senate upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate. * * *

Attest:

ANSON G. MCCOOK,
Secretary.

TESTIMONY OF J. D. C. ATKINS (recalled).

Hon. J. D. C. ATKINS, Commissioner of Indian Affairs, having been recalled before the committee, was interrogated as follows:

By the CHAIRMAN:

Question. I will ask you whether you have had copies of all the testimony which has been taken before the committee and printed, extending from page 1 to page 526, inclusive?—Answer. I had a copy of the testimony that was taken here in Washington, though I never have read it consecutively, and I had a copy of the testimony taken in the Indian Territory that I have read pretty closely.

Q. Will you please look at the printed testimony which I now hand you, and indicate to the committee what portions you have seen, and what portions you have not seen [handing the printed testimony to witness]?—A. I have seen all this testimony, Mr. Chairman.

The CHAIRMAN. The committee met here after its return from the Indian Territory, I am informed, on the 26th day of November, with the intention of hearing such statements as you desired to make, but the hearing was deferred on account of your domestic troubles, and the subject has not been taken up until now.

The WITNESS. I am obliged to the committee for its courtesy.

The CHAIRMAN. Now you may proceed and submit to the committee what you desire.

The WITNESS. I have nothing to say, scarcely, with reference to the whole subject. I did address a letter, which I have here, to the chairman, not knowing what course would be taken this morning, and if it is desired, I will read the letter, or I can state in substance what it contains. I should prefer, however, to read the letter, because it brings the subject up in proper form.

The CHAIRMAN. If the letter is to go into the record, it would not be necessary or best for you to undertake to give a summary of it.

The WITNESS. I will submit it as my testimony.

The CHAIRMAN. Whether it goes into the record or not, the committee can decide hereafter. But you may now read it if you would like to do so.

(The witness then read the letter in question, and laid it and the accompanying documents before the committee.)

The CHAIRMAN. The question now is whether the letter and the accompanying documents shall be received and made a part of the record.

Senator CULLOM. I think the Commissioner has a right to put into the defense any statement that he thinks proper in reference to the matters about which we have been inquiring, and if there is any motion necessary, I will make one to that effect.

Senator BLACKBURN. I should like to inquire whether the exhibits accompanying the letter contain anything besides the correspondence of the Indian Office?

The WITNESS. No, sir; they do not, except one affidavit, which is among them, made by Mr. J. W. G. Atkins.

Senator PLATT. Where is Mr. J. W G. Atkins at present?

The WITNESS. Mr. Atkins is in the city, and can come before the committee if they desire to see him. I can take out Mr. Hemphill's affidavit from the other papers.

The CHAIRMAN. I will put the motion, as suggested, that the statement of Commissioner Atkins, which has been read, and the accompanying official documents (except the affidavit of Mr. J. W. G. Atkins), being papers from the files of the Indian Office, be received and printed in the record.

The motion having been put, it was agreed to.

The CHAIRMAN (to the witness). Is there anything further which you desire to submit?

The WITNESS. I have nothing further to submit, so far as I am concerned, except this affidavit of Mr. Atkins, and he will appear before the committee if they desire him to do so.

The CHAIRMAN. Then I will say that unless the affidavit is received, we will give you an opportunity of bringing him before the committee, if you will remember in the meantime to see that he remains here, so that if we desire his testimony he can be called.

The WITNESS. He is in the city now.

The CHAIRMAN. Is that all you desire to submit?

The WITNESS. That is all I wish to say.

Senator PLATT (to Senator Blackburn). Do you wish to ask the Commissioner any questions?

Senator BLACKBURN. No; I only desire that he shall file his statement here, to be made a part of the record, with such official documents as he wishes to offer.

The CHAIRMAN. I have read the testimony already taken before the committee, but I should not be willing to ask Commissioner Atkins any questions at present. I may want to interrogate him when this additional evidence, which he has submitted, is prepared and laid before us. So that unless some member of the committee desires now to ask the Commissioner some questions, he may be relieved from the necessity of further attendance at this time.

Senator PLATT. I do not wish to ask the Commissioner any questions now, but at some future time before we conclude the investigation I desire to ask him one or two questions in regard to the case of Mr. Little, upon points suggested by his letter. I do not care to ask those questions now. I also desire to read the statement of Whistler, Pickett & Co., before the examination is resumed.

The CHAIRMAN. It is understood, then, that the letter and accompanying official papers presented by the Commissioner will be printed, and his cross-examination upon them is deferred until that is done, so that we can see them in print.

The select committee then adjourned to meet again at the call of the chairman.

The statement and the accompanying official documents submitted by the witness are as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 12, 1888.

SIR: Inclosed are certain documents from the files of this office bearing upon the cases investigated by the committee since its last meeting in Washington.

The records of this office show that the license of W. R. Little expired on September 8, 1885.

On September 4, 1885, the United States Indian agent was instructed to advise him (Little) that he would be allowed to trade until further orders, and on October 10, 1885, the agent was instructed to notify Little to close his store by the 1st of January, 1886. A communication from Keokuk, principal chief of the Sacs and Foxes, forwarded through the United States Indian agent, is inclosed herewith. It will be seen that the chief opposes the renewal of Little's license. On October 24, 1885, a communication was received from Little, bearing date of October 19, 1885 (inclosed herewith), in which he acknowledges the receipt of orders from this office to close his business by January 1, 1886, and recites at length the condition of his business. In this communication he only asked to be allowed to remain and trade until April 1, following:

He was, however, allowed to keep his store open until July 15, 1886, with only a slight intermission, and he remained upon the reservation for more than a year after the expiration of his license.

In the latter part of January or first of February, 1886, Mr. Little came on to Washington, and represented to this office that the McClung Brothers (Hu L. and R. M.), who had been granted a license to trade at the Sac and Fox Agency, had made an arrangement with him to purchase his interest and supersede him in the business. He further stated that they had failed to comply with their agreement, and that they then refused to take the goods and buildings.

Little was thereupon advised that his license would be renewed. However, before leaving Washington, verbal statements were made by him to the head of this Bureau to the effect that one John Eddy, who had been granted a license to trade at the Sac and Fox Agency, had not purchased the stock of Whistler, Pickett & Co. (old traders), as he (Eddy) had alleged, but that Eddy was merely using his license against the capital of the old firm and drawing a share of the profits. Inclosed is a statement upon the subject filed by Little on February 4, 1886. The United States Indian agent was ordered to make a careful and accurate investigation of the charges in this document, and it will be seen from documents inclosed that each member of the firm of Whistler, Pickett & Co. state under oath that they had disposed of their entire interest in the business to Eddy.

Attention is also requested to the inclosed official statement of the United States Indian agent as to the amount of stock in Little's store, and also to the communication from W. B Shaw, setting forth that he offered to purchase Little's store and stock at cost and carriage, and that he (Little) refused to sell altogether.

Finally, it will be seen that after receiving notice that he would be required to close his business and retire from his position as trader, Mr. Little came to Washington, and made statements which, had they been verified, would have resulted in the revocation of the license of the other trader (Mr. Eddy). In consideration of the facts set forth above and in the documents herewith, Mr. Little was deemed an improper person to receive the license of the Indian Office, to reside among the Indians, and trade with them in the future. It will be seen, however, that he was allowed to remain upon the reservation more than a year after his license expired, and that he was allowed to keep his store open for nearly a year after that event, and for four and a half months longer than he at first requested.

The license of Hemphill & Woy, traders at the Cheyenne and Arapahoe Agency, expired on May 8, 1885, and they were advised that they must close their business by October 21, 1885. Inclosed is a communication from them, dated September 23, 1885, in which they acknowledge the receipt of orders through the agent to close their business by October 21, 1885, and request only an extension of three months. If this request only had been granted, their extension would have expired on Jannary 21, 1886, but by a telegram from this office dated January 2, 1886, their license was again extended until the middle of the following February. Mr. Hemphill called at this

office in the month of January, 1886 (or early in February), and requested a continuance or extension of his license until the 15th of March following, stating that he did not desire to remain after that date. His request was declined upon the ground that he had already had two extensions. He then wanted an extension until March 1 following, which was also declined.

In this conversation, and also in a conversation at Darlington with Mr. Hemphill and his partner, they said they were losing money, and desired to give up the business.

They stated that the order of the President, removing the cattle-men, had destroyed the profits of the traders.

It will thus be seen that they were allowed to remain and do business more than nine months after the expiration of their license, and that they were given due notice and two extensions of license.

The license of Reynolds, Doty & Hubbell expired on July 10, 1885.

They were granted an extension of their license, and on October 19, 1885, the members of this firm joined with Barker, a newly licensed trader, in a request for an extension of license not to exceed thirty days, stating that they had made a sale to Barker. The telegram is inclosed.

I deny absolutely that I gave Hubbell any assurance that I would license him, unless I afterwards concluded to license three stores at Darlington. In that event I would have licensed Mr. Hubbell, but not otherwise, and as I had come to the conclusion that the trade there would be diminished on account of the removal of the cattle-men from the reservation to such an extent as not to justify three licenses at that place. I therefore declined to license him. Had he requested a longer extension than the 21st of November I have no doubt that I would have granted it, just as I did in the case of the other traders at that place. In this connection I will say that I have never made an Indian trader a promise that I did not redeem, Mr. Hubbell's statement to the contrary notwithstanding.

In reference to the trading-post at Hominy Creek, upon the Osage Reservation, I have to say that Mr. Hartley, representing the firm of Bartles, Hartley & Raub, who now have a store at Osage Agency, first applied for a license to trade at Hominy Creek. I distinctly advised him that a license would be granted his firm to trade at that point, provided the United States Indian agent would recommend that a store be established there, and further provided that they would give up their store at the agency.

After he, representing the firm, declined the tender of the license, I, several weeks or months afterwards, gave it to Hale & Phillips, believing that it was to the interest of the Indians living in that vicinity, as they had to come 25 to 40 miles to the agency, and in the rainy season to encounter swollen streams and almost impassable roads.

The United States Indian agent, James I. David, in conversation with me at the Osage Agency, stated that a store at Hominy Creek would be best for the Indians. He also made the same recommendation in my office in Washington.

It is true that my son John, being an old acquaintance of Phillips in Tennessee, expressed a wish that I would license Hale & Phillips at Hominy Creek. I was, however, not influenced by his request, but made the order believing it was to the interest of the Indians.

In reference to the application of J. W. G. Atkins, a clerk in the Post-Office Department, and a nephew of mine, I desire to say that he did make a verbal application to me for a license to trade at Kaw, in the Indian Territory, in the spring of 1886. He said that there was a party here in Washington who would raise the money and go in with him. I told him that I would not entertain the proposition; that I would sooner draw my check for $500 and make him a present of it than to do so. I heard nothing more from him afterwards. The next day I made the same positive statement in the presence of the assistant commissioner. Attention is called to the inclosed affidavit of J. W. G. Atkins.

In reference to the pecuniary advantage obtained by Mr. Branham over Mr. Schiffbauer, in the partnership existing between them, I have to say that I never heard of it until April, 1887, at Saint Louis.

A letter from the United States Indian agent in response to instructions from this office to report upon the application of Mrs. C. A. Tieman for authority to keep a mess-house is inclosed.

At a former meeting of your committee it was hinted that the committee had been advised of some arrangement between the members of the firm of Hays & Meeks, traders at the Cheyenne and Arapahoe Agency, whereby Meeks was using his share of the license as his capital in the business.

Inclosed are copies of the correspondence of this office upon the subject.

In reference to the case of J. M. Sherburne, attention is called to the statement of the United States Indian agent on page 274 of the testimony.

Very respectfully,

J. D. C. ATKINS,
Commissioner.

Hon. WM. E. CHANDLER.
Chairman of the Committee on Indian Traders, U. S. Senate, City.

Ke-o-kuk to Agent Taylor.

UNITED STATES INDIAN SERVICE,
Sac and Fox Agency, Ind. T., October 22, 1885.

SIR: I learn that the Hon. Commissioner of Indian Affairs has notified Messrs. Whistler, Pickett & Co., and W. R. Little & Co., licensed traders for the Sac and Fox Indians at this agency, that their license as traders will not be renewed.

I also learn that the above-named traders are making every effort in their power to procure such an amount of friendly and political influences to bear as to persuade or force the Hon. Commissioner to recede from his action relative to the discontinuance of their license.

I think it right and just to the parties that they should have an extension of time, based on their old license, to carry them to a limited period beyond our first annuity payment to enable them to collect the moneys due to them from our tribe; this much I would ask on their behalf and no more.

The harmony, welfare, and progress of this tribe, and the success of the agent in charge in assisting to lead it to a higher standard of morality, Christianity, and civilization is almost wholly dependent upon the carrying out of the policy which seems to have been adopted by the Hon. Commissioner, in removing the old traders, thereby freeing us from influences which have been anything but a betterment. In this matter I not only speak for myself, but for the entire progressive element in our tribe, knowing the good results that will follow if the Hon. Commissioner's action is not reversed.

I ask that you present the subject-matter of this communication to the Hon. Commissioner, and request that their license be not renewed.

Very respectfully,

KE-O-KUK,
Principal Chief of Sacs and Foxes of the Missouri.

I. A. TAYLOR,
United States Indian Agent, Sac and Fox Agency, Indian Territory.

W. R. Little & Co. to Commissioner of Indian Affairs.

SAC AND FOX AGENCY, *October* 19, 1885.

DEAR SIR: I received the order issued from your office that our time ceased trading here January 1, 1886.

I do not see how I am to manage, as I have been buying goods on time and owe much on them that I expected to pay when the Indians received a payment from the Government, which has been withheld for one year and over.

When the Indians did not receive their annuity money in October, 1884, they were in a destitute condition, and came to us in good faith and honest intentions; made a promise if we helped them until the next payment they would be very thankful, and pay us what they owed.

They raised but little corn, and the crop of pecan nuts that heretofore has been of considerable help in the way of getting a little money on which to live, was a failure.

March came, and still no payment. Well, these people were in a starving condition. They looked solely to the traders for a living, and this was their only help. We worked very hard to carry them, thinking that they surely would receive a payment some time during the summer, but all was in vain and no payment yet.

Now I do not want to be persistent nor misrepresent anything, nor do I want to lose all property that I own. I am a man of family; have a wife and young child to provide for.

I have been to considerable expense here for buildings, as my work had to be done by Indians and all material was freighted from Kansas, 130 miles distant. I have always employed one Indian to work for me, paying him $50 per month, and have endeavored to help the Indians in every way I could, always giving them the preference whenever I had work to be done.

I have not made very much money after carrying such a large amount of credit.

I would respectfully beg of you to consider my case and extend the time until I can justly pay back the money I owe to those merchants who were so generous as to help me and to advance me goods—trusting me for an honest man, which I wanted to be.

I will promise you as a true man on the square that I will arrange my business so I will be able to leave with the name of an honest man if you will permit me to remain trading here until about April 1, 1886. I then can leave without being broken up house and home and owing several large bills which I could not pay for years to come. I feel sure if I have to leave by January 1 I will be ruined for life, as I have no other property or way of meeting these bills except to get it back from these Indians

and people who owe me, and they are depending on a payment. You will, by granting this favor, make (save) a man, where, if the order is enforced, it will ruin not one but several. I feel sure you will use good judgment in regard to my case.

I write you this note because I long to remain in this country. It is not so funny as some people suppose to carry on credit a tribe of Indians and wait one year and a half for them to pay you. I would be satisfied to leave to-morrow if I had back what I have advanced to these people. I have no desire for an extended permit except to remain here long enough to settle my business satisfactorily.

Hoping for a favorable reply,

I remain, respectfully,

W. R. LITTLE & CO.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

Agent Neal to A. B. Upshaw.

UNITED STATES INDIAN SERVICE,
Sac and Fox Agency, Ind. T., June 1, 1887.

SIR: As requested, I have the honor to forward copy of invoice of merchandise and fixtures owned by W. R. Little & Co., July 15, 1886.

The goods are billed exceedingly high, and on last page you will see $120 added for freight to the agency. I firmly believe that the true value of the goods would not exceed $500.

Very respectfully,

MOSES NEAL,
United States Indian Agent.

Hon. A. B. UPSHAW,
Assistant Commissioner Indian Affairs, Washington, D. C.

Agent Neal to Commissioner Atkins.

UNITED STATES INDIAN SERVICE,
Sac and Fox Agency, April 29, 1886.

SIR: In compliance with instructions contained in office letter "C. C. 1886," dated March 27, 1886, and "C. C. 9600 –'86," dated April 10, 1886, I have the honor to submit for your information in the matter of the sale of stock merchandise of Whistler, Pickett & Co. to John Eddy, the depositions of John Whistler, C. C. Pickett, and Hiram Gibbs, members of the old firm of Whistler, Pickett & Co., Frank Randolph, who is employed by Mr. John Eddy as manager of his store, and W. B. Shaw, jr.

Also inclose a certified copy of the receipt referred to by Mr. Frank Randolph in his testimony.

I trust the information furnished is sufficiently comprehensive to enable a full understanding of the exact status of the matter.

Very respectfully,

MOSES NEAL,
United States Indian Agent.

Hon. J. D. C. ATKINS,
Commissioner of Indian Affairs, Washington, D. C.

W. R. Little to Commissioner Atkins.

WASHINGTON, D. C., *February* 4, 1886.

SIR: There were two traders at the "Sac and Fox" Agency. One was the firm of Whistler, Pickett & Co., composed of Whistler, Pickett, and Gibbs.

The other was myself, William R. Little. The license of Whistler, Pickett & Co. was taken away, but the parties, Whistler, Pickett, and Gibbs, are still there and now do business under the license of a Mr. Eddy, who lives at Bloomington, Ill., and does not reside or do business at the Sac and Fox Agency. Hence Whistler, Pickett & Co. are still trading under the license of Mr. Eddy, of Bloomington, Ill.

The other trader (myself) was displaced by Mr. McClung, of Tennessee.

He came to the agency with your license. I immediately made a contract with him and sold my store, building, dwelling-house, and my stock of goods. He paid me no cash, but was to pay me the 1st of January, when he was to assume charge of the business. I agreed to remain as his clerk. I desired especially to remain that I might collect some $17,000 due me by the Indians for goods, which I expected to collect at the next distribution of their annuities.

The 1st of January came; Mr. McClung did not come. I closed my store, containing some $4,000 worth of goods, $2,000 of which I had ordered at the request of Mr. McClung to keep up the stock.

Instead of McClung a Mr. Shaw came as the licensee in my place. Mr. Shaw was formerly an employé in the Agricultural Department; is the son of W. B. Shaw, the well-known journalist. He married the daughter of Mr. Gibbs, who was the "& Co." of Whistler, Pickett & Co.; Gibbs is therefore the connecting link between the two firms, being the father-in-law of one licensee (Shaw), and the "& Co." of Whistler, Pickett & Co.

My situation is just this: I have a store-house, dwelling-house, and $4,000 worth of goods at the Sac and Fox Agency. The goods, some of them, are perishable in their nature, were bought for winter trade, and winter is passing away.

The Indians owe me $17,000, which I must lose unless I can remain there. The trade is at least $50,000 a year, enough for three traders. If I was again licensed there would then be practically only two traders, for the traders there now constitute practically one firm.

I therefore most respectfully ask that my license to trade be renewed.

With great respect, I am your obedient servant,

W. R. LITTLE.

Hon. JOHN D. C. ATKINS,
Commissioner Indian Affairs.

Deposition of John Whistler.

SAC AND FOX AGENCY, IND. T., *April* 24, 1886.

JOHN WHISTLER, being first duly sworn, deposes and says that he was a member of the firm of Whistler, Pickett & Co., licensed traders at Sac and Fox Agency, Ind. T., and that the other members of the firm were C. C. Pickett and Hiram Gibbs. Being questioned, says:

Question. In what way, if any, are you now connected with the firm of Whistler, Pickett & Co.?—Answer. In no way except settling up old business of Whistler, Pickett & Co.

Q. At what time was the partnership of Whistler, Pickett & Co. dissolved?—A. About January 9, 1886.

Q. Were you succeeded by any one in business, and if so, by whom?—A. Was succeeded by John Eddy.

Q. Did you make a sale of your stock of goods to John Eddy at that time?—A. We did.

Q. What were the terms of sale?—A. Sale was made on time.

Q. Was the payment to be made at any one time, or at different times?—A. At different times.

Q. Were notes executed for the payment of the amount?—A. Yes.

Q. How many notes were there?—A. Three.

Q. Were they executed at time of sale?—A. No; they were executed afterward at Saint Louis, Mo.

Q. Have you the notes in your possession?— A. No.

Q. In whose possession are they?—A. I think in the possession of Samuel C. Davis & Co., Saint Louis, Mo.

Q. For what purpose were they deposited there?—A. For safe keeping.

Q. Are they secured?—A. No.

Q. Who owns the building formerly occupied by Whistler, Pickett & Co. as their store-room?—A. I do.

Q. Did you rent it to John Eddy?—A. I did.

Q. What were the terms of the lease?—A. One hundred dollars per year.

Q. When is payment to be made?—A. At end of year.

Q. Have you any interest, prospective or otherwise, in the business of John Eddy?—A. I have none.

Q. Has John Eddy, to your knowledge, a partner in his business at this place?—A. He has none that I know of.

Q. Who conducts the business?—A. Frank Randolph.

Q. Does Randolph employ the clerks?—A. I suppose he does.

Q. In what way are the accounts due Whistler, Pickett & Co. from the Indians kept?—A. On the books of John Eddy.

Q. Is John Eddy, to your knowledge, selling to the Indians on time?—A. Yes; I think he is.

Q. Does John Eddy use more than one ledger?—A. Yes, two; one a citizen ledger and one an Indian ledger. To the Indian ledger the amount of the accounts due Whistler, Pickett & Co. from the Indians were transferred.

JOHN WHISTLER.

Sworn and subscribed to before me this 24th day of April, 1886, at Sac and Fox Agency, Ind T.

MOSES NEAL,
United States Indian Agent.

Deposition of C. C. Pickett.

SAC AND FOX AGENCY, IND. T., *April* 24, 1886.

C. C. PICKETT, being first duly sworn, deposes and says he was a member of the firm of Whistler, Pickett & Co., licensed traders at Sac and Fox Agency, Ind. T., and that the other members of the firm were John Whistler and Hiram Gibbs. Being questioned, says:

Question. At what time was the partnership of Whistler, Pickett & Co., as licensed traders at Sac and Fox Agency, dissolved?—Answer. On January 9, 1886.

Q. What disposition of the merchandise on hand was made?—A. An invoice was taken and stock sold to John Eddy.

Q. Was there anything else, such as grounds and buildings, included in sale?—A. Nothing but the stock of merchandise in the buildings was sold.

Q. Who owned the building in which the firm did business?—A. John Whistler.

Q. What is the size of these buildings?—A. Main building 20 by 70 feet, one and one-half stories high, with ware-room 12 by 40 feet, and a corn, flour, and bacon house about 22 by 30 feet.

Q. How long did Mr. John Eddy remain at the agency after you made the sale to him?—A. For about fourteen days.

Q. Where did he go when he left here?—A. To Saint Louis, Mo., in company with Mr. John Whistler and myself.

Q. Has he since returned to the agency?—A. He has not.

Q. You may state if you know where Mr. John Eddy resides.—A. At Bloomington Ill.

Q. What did he say, if anything, in regard to returning to the agency?—A. He expected to be here frequently, especially about payment time, or at any other time when it is necessary.

Q. Who did he leave in charge of his business here?—A. Mr. Frank Randolph.

Q. Is he in charge now?—A. He is.

Q. Was the sale to Mr. John Eddy for cash?—A. Not all of it cash.

Q. On the deferred payments what time was to be given?—A. About six, nine, and twelve months from date of sale; exact dates to be an after consideration.

Q. Have you had correspondence with Mr. John Eddy in regard to business matters recently?—A. Yes.

Q. What was the nature of this correspondence?—A. Making inquiry as to probable time of payment to the Indians.

Q. Did Mr. John Eddy state at what time he intended removing to agency to reside?—A. He has never alluded to that matter in his correspondence.

Q. Did he in his correspondence say when he was coming temporarily?—A. He intended to be here at payment, and desired to know when that would be.

Q. Who has Mr. John Eddy employed in his store as clerks besides Mr. Randolph?—A. Leo Whistler, William Parnell, and Robert Thrift.

Q. Are any of them members of the Sac and Fox tribes?—A. Leo Whistler and Robert Thrift are.

Q. Is William Parnell a citizen of the United States?—A. Yes; he has some claims in Cherokee Nation which have not been recognized by that nation.

Q. State if you know in what State or Territory was he born.—A. I think in Arkansas.

Q. Was there any security given for the payment of balance due on stock sold Mr. John Eddy?—A. There was not.

Q. Can you state about the amount to become due from Mr. John Eddy on stock?—A. About $5,450.

Q. Was the sale to Mr. John Eddy finally consummated here?—A. It was not.

Q. Where and at what time was it finally consummated?—A. At Saint Louis, Mo., on about January 26 or 27, 1886.

Q. Was it settled by written articles of agreement?—A. Yes.
Q. Have you that article of agreement in your possession?—A. I have not.
Q. Who holds it?—A. Samuel C. Davis & Co., Saint Louis, Mo., for safe-keeping.

C. C. PICKETT.

Sworn and subscribed to before me this 24th day of April, 1886, at the Sac and Fox Agency, Indian Territory.

MOSES NEAL,
United States Indian Agent.

Deposition of Hiram Gibbs.

SAC AND FOX AGENCY, IND. T., *April* 24, 1886.

HIRAM GIBBS, being first duly sworn, deposes and says that he was a member of the firm of Whistler, Pickett & Co., licensed traders at Sac and Fox Agency, Ind. T., and that the other members of the firm were John Whistler and C. C. Pickett. Being questioned, says:

Question. Where did you transact business, and in what building?—Answer. At Sac and Fox Agency, Ind. T., and in building belonging to John Whistler.

Q. Did you make a sale of your interest in the stock some time in January, 1886?—A Yes.

Q. Did you personally make the sale of your interest?—A. I did not; my partners did.

Q. Was the sale for cash or on time?—A. I understood it was on time: never asked my partner the exact terms of sale.

Q. To whom was the sale made?—A. John Eddy.

Q. Do you know the amount of the invoice of the stock?—A. I do not.

Q. Has Mr. John Eddy been in charge of the business since sale, and, if so, for how long?—A. I think he has, but do not know for what length of time.

Q. Do you know whether any notes were given in payment of stock?—A. I do not know.

Q. Who has been in charge of John Eddy's store for past three months?—A. John Eddy told me he would send Frank Randolph, and he has been in charge of the business for past three months.

Q. Did John Eddy tell you when he would return and take charge of his business in person?—A. He said he could not tell; it would depend upon circumstances.

Q. Do you know anything of the financial standing of John Eddy?—A. Only by hearsay.

HIRAM GIBBS.

Sworn and subscribed to before me this 24th day of April, 1886, at Sac and Fox Agency, Ind. T.

MOSES NEAL,
United States Indian Agent.

Deposition of Frank Randolph.

SAC AND FOX AGENCY, IND. T., *April* 28, 1886.

FRANK RANDOLPH, being first duly sworn, deposes and says:

Question. What is your occupation here at this agency?—Answer. Clerk in employ of John Eddy.

Q. How long have you been thus employed?—A. Since January 22, 1886.

Q. In the management of Mr. Eddy's affairs at this place who have you associated with you?—A. In the management of the Indian accounts as to who to credit and who not to credit, Mr. Leo Whistler.

Q. Who else besides Mr. Leo Whistler is employed by Mr. John Eddy in the store?—A. William Parnell and Robert Thrift.

Q. Is there a separate set of books kept for the Indian credit accounts?—A. Yes.

Q. Are the amounts due the late firm of Whistler, Pickett & Co. kept on John Eddy's Indian credit account book?—A. Yes.

Q. Does Leo Whistler determine the amount to which each Indian shall be credited, and has he full power to regulate that matter?—A. Yes.

Q. In the purchase of goods for the store do you or do you not consult Mr. C. C. Pickett?—A. I do, as to kind and quantity.

Q. How are the payments made for goods purchased for store?—A. Bills purchased at Red Fork or at or near the agency are paid by myself.

Q. Have you sent Mr. John Eddy any funds, the receipts of goods sold since you were in charge here?—A. No.

Q. What amount to your knowledge did Mr. Eddy take away with him from here?—A. I do not know the full amount, but know of one amount of $500.

Q. Do you keep a cash-book for Mr. Eddy?—A. Yes.

Q. Was there a cash-book kept prior to your taking charge?—A. There was.

Q. What assistance, if any, does Mr. C. C. Pickett render you in the store?—A. As to amount and kinds of goods to buy and where to buy them, he advises.

Q. Is it your understanding that the credit extended an Indian shall not exceed the amount of their annuity less the amount due Whistler, Pickett & Co.?—A. That is my understanding.

Q. Of what Eastern firms do you mainly purchase merchandise from?—A. In dry goods, Samuel C. Davis & Co., and in groceries, the Alkire Grocery Company, both of Saint Louis, Mo.

Q. Do John Whistler and C. C. Pickett purchase goods of John Eddy?—A. Yes, sir.

Q. Do you charge them the same prices as other customers?—A. No.

Q. What difference in their favor do you make?—A. Sell to them at a little above cost.

Q. Do you know whether or not the buildings occupied by the store of John Eddy are rented, and, if so, from whom?—A. They are, of John Whistler.

Q. Did Mr. Eddy inform you that he had rented the buildings?—A. No.

Q. From whom did you get the information?—A. John Whistler.

Q. Do you know the amount of rental paid?—A. Yes; it is $100 per annum.

Q. Have you made John Whistler any payment for rent?—A. William Parnell, Leo. Whistler, and myself board with John Whistler, and there has been no settlement as yet.

Q. Are you employed by Mr. Eddy by the year or month?—A. By the month.

Q. What did Mr. Eddy say to you about his return to the agency when he left?—A. He did not say when he would be back, but from conversation inferred he would be here during payment.

Q. Has Mr. Eddy a family?—A. He has a wife.

Q. Where does he reside?—A. Bloomington, Ill.

Q. What is his occupation there?—A. In the sale of tobacco and cigars.

Q. What did he say, if anything, in regard to moving his family to the agency?—A. Nothing.

Q. Do you correspond with him frequently?—A. At least once a week.

Q. Does he write you frequently?—A. Not frequently.

Q. About how often?—A. At least once in two weeks on an average.

Q. Has he at any time referred to the moving his family to the agency?—A. No.

Q. On the morning of January 23, 1886, how much cash was there on hand in John Eddy's store?—A. One hundred and seventy-one dollars.

Q. In subsequent investigation did you find that that amount was what should be on hand?—A. Yes.

Q. Did it appear that this amount was all the receipts from sales since John Eddy took possession?—A. No.

Q. What additional amount did you find had been received?—A. Five hundred dollars.

Q. To whom was this $500 paid?—A. It was taken by John Eddy.

Q. Can you state what amount, if any, was paid by John Eddy on the purchase of stock?—A. Yes.

Q. What amount was it?—A. Five thousand nine hundred and forty dollars and sixty-four cents.

Q. Am I to understand that this amount stated is the amount of invoice or the amount paid?—A. The amount of invoice and also the amount paid identical.

Q. Do you ascertain these facts by examination of the books?—A. I ascertain them by papers on file.

Q. Who holds the papers you refer to?—A. They are now in my possession.

Q. Have you ever heard John Whistler or C. C. Pickett state that John Eddy was in debt to them for anything?—A. No.

Q. Do the books of John Eddy show any indebtedness from him to Whistler, Pickett & Co. on account of purchase of stock?—A. There is an entry in merchandise account showing it to be debtor to Whistler, Pickett & Co. $5,940.64. Have papers in my possession which I believe would justify me in balancing it.

Q. How did you come in possession of these papers you refer to?—A. Left by Mr. Eddy in the safe.

Q. How long after you took possession or charge did you find these papers in the safe?—A. About two weeks.

Q. In what way was your attention directed to them?—A. Mr. Eddy wrote to me telling me where they were and telling me to take especial care of them.

Q. Do you remember the date of these papers?—A. January 12, 1886.
Q. What is the nature of the paper you speak of?—A. It is a receipt acknowledging payment for all the goods purchased by John Eddy from Whistler, Pickett & Co.

FRANK RANDOLPH.

Subscribed and sworn to before me at Sac and Fox Agency, Ind. T., this 28th day of April, 1886.

MOSES NEAL,
United States Indian Agent.

Deposition of W. B. Shaw, Jr.

SAC AND FOX AGENCY, IND. T., *April* 29, 1886.

W. B. SHAW, JR., being first duly sworn, deposes and says:

Question. Mr. Shaw, you may state where you reside.—Answer. Sac and Fox Agency.
Q. How long have you resided there?—A. About two years.
Q. Were you here in January, 1886?—A. Part of the month I was.
Q. Are you acquainted with John Eddy, licensed trader at this place?—A. I am.
Q. Where did you first meet him?—A. On trains between Vinita and Red Fork, Ind. T., while he was on his way the first time to this agency.
Q. Did you have any conversation with him at that time in regard to his proposed business at this agency?—A. Slight conversation.
Q. What, if anything, did he thus say to you in reference to business at this place?—A. A general conversation with him was entered into in regard to the country people and the trade.
Q. Did you have any conversation with him after his arrival at the agency?—A. Yes, at different times.
Q. What did he say, if anything, in regard to opening business here?—A. Said he was here for the purpose of buying out Whistler's store.
Q. Did he state at any time that he contemplated taking charge of the business in person?—A. He did during our first conversation on road to agency.
Q. After his arrival at agency, did you have any conversation with him in regard to his moving to agency and taking charge of business; if so, what did he say?—A. On one occasion he voluntarily informed me that he was much disappointed with the outlook, and he did not think he would be justified in allowing his business at Bloomington to pass out of his hands by giving his constant attention to business here, and in order to protect his interest in both places he proposed returning to and remaining in Bloomington, and was at that time awaiting the arrival of a gentleman who he intended to place in charge of his interests here. Subsequently he said to me when his man failed to put in an appearance that he was getting very tired of staying here. On another occasion he stated that the party to whom he had originally referred had refused his proposition to come here, owing to the inadequate amount of salary he was to receive, and asked me if I did not think $60 a month sufficient to secure the services of a competent manager for him. In the course of a few days he told me that he had secured a gentleman to come here and take entire charge of his business, and that he, Eddy, intended returning home, and would not make his appearance at the agency until the following payment. I asked him if he intended to bring his family here and live, and he stated to me most positively that he did not intend to bring his family here, and that the agency would never see him except during the terms of semi-annual payments.
Q. When was this conversation had?—A. The latter part of this conversation was had about the middle of January, 1886.
Q. Do you know the buildings now occupied by John Eddy's store at this place?—A. I do.
Q. What would you consider a fair rental per month for the store-room, warehouse, and outbuildings so occupied?—A. I should consider that under the present condition of the buildings that a rental of $25 a month would be ample compensation for their occupancy. If they were placed in thorough repair, such as I consider necessary, I should think $40 per month would be about the proper amount of rental.

W. B. SHAW, JR.

Subscribed and sworn to before me this 29th day of April, 1886, at the Sac and Fox Agency, Ind. T.

MOSES NEAL,
United States Indian Agent.

Receipt of Whitsler, Pickett & Co.

WHISTLER, PICKETT & CO.,
GENERAL MERCHANDISE AND INDIAN GOODS,
Sac and Fox Agency, Ind. T., January 12, 1886.

John Eddy, Dr., to Whistler, Pickett & Co.

For stock general merchandise, per invoice taken January 11 and 12, 1886, amounting to the sum of $5,940.64.

Received payment.

WHISTLER, PICKETT & CO.

I hereby certify that the above is a true and correct copy of a receipt in the possession of Frank Randolph, clerk for John Eddy, and is the paper referred to in his testimony taken in deposition before me this 28th day of April, 1886.

MOSES NEAL,
United States Indian Agent.

SAC AND FOX AGENCY, IND. T., *April* 28, 1886.

W. B. Shaw, jr., to Commissioner Atkins.

Washington, D. C., March 26, 1886.

SIR: In my conversation with you I neglected to mention a fact which it is due to you that you should know, and which is due to me in order that my actions should not be misrepresented or misunderstood. When the Messrs. McClung decided to give up their license and you were kind enough to grant the said license to me, I called upon W. R. Little and informed him that I was ready to buy his stock of goods and would then take an invoice He declined to sell, and intimated that he intended to go to Washington and secure an extension of his license. This necessitated my securing another stock and place. At the time of my conversation with him I am satisfied his stock of goods would not have invoiced $1,000. When I left the agency to come here he had not received $100 worth of additional goods. I have called your attention to these facts that you may better understand the condition of affairs at the time my license was issued, and that I was inclined to help him, Little, all I could. All these facts can be substantiated by Agent Neal.

Very respectfully,

W. B. SHAW, JR.

Hon. J. D. C. ATKINS,
Commissioner of Indian Affairs, Washington, D. C.

Hemphill & Woy, to Commissioner of Indian Affairs.

OFFICE OF HEMPHILL & WOY, INDIAN TRADERS,
Darlington, Ind. T., September 23, 1885.

DEAR SIR: Since the receipt of your order, through your agent here, that we were allowed until the 21st October, proximo, to close our business, we now respectfully state that we have been using our utmost endeavor to accomplish the same, but that owing to the Indian troubles, trade has been very light, and we find we have still on hand over $20,000 in stock; our building, which cost us nearly $13,000, still unsold, and over $4,000 debts still uncollected, and we would further state that we have offered our stock at 25 per cent. off, and our buildings at half their cost, without being able to dispose of them to either of the newly appointed traders.

Under these circumstances, we most respectfully ask for three months further time, in order to close out our Indian goods, which are unsalable anywhere else, and to save us from other severe losses from uncollected debts, etc.

Very respectfully, yours etc.,

HEMPHILL & WOY.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

Commissioner Atkins to Agent Lee.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, July 31, 1886.

SIR: It has been charged that C. Y. Meeks, of the trading firm of Hays & Meeks, has made an arrangement with Mr. Hays whereby Meeks's only contribution to the

capital of the business is his interest in the license. You will use every legitimate means to ascertain the facts in this case, and report the same to this office as soon as practicable.

If the charges as set forth above have any foundation in truth, this office will take prompt steps in the matter.

Very respectfully,

J. D. C. ATKINS,
Commissioner.

Capt. J. M. LEE,
Acting U. S. Indian Agent, Cheyenne and Arapahoe Agency, Ind. T.

A. B. Upshaw to C. Y. Meeks.

WASHINGTON, *September* 7, 1886.

It is unnecessary for you to come to Washington. Your letter sets forth the facts. Your acceptance of a clerkship upon a license granted you and Hays is against the policy of the Department. You can not be made an exception to the ruling. License will not be renewed to either you or he or both.

A. B. UPSHAW,
Assistant Commissioner.

C. Y. MEEKS, *Henderson, Tenn.*

Agent Lee to Commissioner of Indian Affairs.

FORT RENO, INDIAN TERRITORY,
October 19, 188–.

Reynolds, Doty & Hubbell have sold their building and portion of stock to Barker. Both parties unite in request that Reynolds, Doty and Hubbell be granted extension until Barker is ready to commence business, not to exceed thirty days. Please answer by telegraph.

LEE,
Captain and Agent.

TO COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

Agent Hall to Commissioner of Indian Affairs.

UNITED STATES INDIAN SERVICE,
K. C. and W. Agency, Anadarko, Ind. T., May 5, 1886.

SIR: Yours dated April 24, 1886, C. C. 10920–86, in reference to Mrs. Tieman owning and wishing to run a mess-house, is at hand, and in reply will state, that the property is in no manner owned by the Government. Mrs. Tieman has had three months' notice and has sold the property and will leave the reservation soon. She received a fair price for her place, and has in no manner been dealt unjustly with, and I am glad the necessity for my making a full statement in regard to my objections to Mrs. Tieman is obviated by her having sold her property and moved from the reserve, and am only surprised that she should invite investigation by writing to the Department.

Very respectfully, your obedient servant,

J. LEE HALL,
United States Indian Agent.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

WASHINGTON, D. C., *Tuesday, February* 7, 1888.

The committee met, pursuant to the call of the chairman, at 11 o'clock a. m.

Present: Messrs. Chandler (chairman), Platt, Cullom, and Coke.

TESTIMONY OF JOHN W. G. ATKINS.

JOHN W. G. ATKINS, having been duly sworn by the chairman, was interrogated as follows:

By Senator COKE:

Question. Where do you reside?—Answer. I reside at present in the city of Washington.

Q. Are you related to the present Commissioner of Indian Affairs, Colonel Atkins?—A. Yes, sir; I am a nephew of his.

Q. What office do you hold under the Government, if any?—A. I am in the Pension Office at the present time.

Q. I observe in the testimony of Thomas M. Finney, taken by the select committee last summer, and printed on page 466 of our proceedings, that in reply to a question by Senator Cullom, Mr. Finney made this answer:

> Along in April, 1885, I think it was, I received a letter from Mr. Miles, the former agent of the Osages, stating that he had been approached by a nephew of Commissioner Atkins proposing that he would obtain a license and I could pay him a certain amount per year for the use of the license and remain where I was.

I desire to know if you were acquainted with Mr. Miles; if so, when and where you knew him, and would like to have you state what passed between you and him during the interview that is here referred to?—A. That was in the winter of 1885–'86, and Mr. Bartles, who was a trader in the Indian Territory, introduced me to Mr. Miles at his room.

Q. In this city?—A. Yes, sir. He made the remark after he introduced me to Mr. Miles, that I was thinking of going out as an Indian trader, and he said that he had told me that Tom Finney was an honest man, to which Mr. Miles assented. That was all that passed between Mr. Bartles, Mr. Miles, and myself there. I left the room after that and went off.

Q. Did you have any other meeting with Mr. Miles?—A. No, sir; I never saw Mr. Miles after that, to my recollection.

Q. Did you ever authorize or request or consent to the writing of a letter to Mr. Finney by Mr. Miles?—A. No, sir; not to him or to any other man at all.

Q. You never gave him any authority to make representations for you at all?—A. Yes, sir; I gave Mr. Bartles authority to make representations for me, but not by any letter.

Q. What authority did you give Mr. Bartles?—A. I told Mr. Bartles to see Mr. Finney; that I would like to go out as an Indian trader, and that if we could come to terms—he wanted a partner, Mr. Finney did—I should like to go if I got the license, if the Commissioner would give it to me.

Q. Did you name any terms in that connection?—A. No, sir; I named no terms at all. All the terms I thought of at the time was to put up half cash; half the amount.

Q. Half the capital required?—A. Yes, sir.

Q. You authorized Mr. Bartles to talk with Mr. Finney?—A. Yes, sir; I did.

Q. Did you ever talk with your uncle, Colonel Atkins, the Commissioner of Indian Affairs, upon the subject?—A. I did; yes, sir.

Q. What passed between you and the Commissioner on that subject?—A. One day on the way to the office——

The CHAIRMAN. Please wait one moment. Does it appear that there has been put in any testimony as to what Mr. Atkins, the Commissioner, said to this witness, or in regard to any conversation had between the Commissioner and this witness?

The WITNESS. It does, Mr. Chairman.

Senator COKE. I am not familiar with all the testimony which has been taken by the committee, but the object of this examination I take to be to discover what connection the Government, through its officers, and especially Colonel Atkins, had with this matter.

The CHAIRMAN. It does not occur to me, however, that Commissioner Atkins can make testimony in his own favor by putting in conversations that he had with this witness a long time ago, unless evidence has already been taken concerning that conversation.

Senator COKE. Yes, but you want to show an impropriety in the office of the Commissioner of Indian Affairs, otherwise the testimony of Mr. Miles, Mr. Bartles, and all the other testimony here is irrelevant. Now, I want to show that whatever conversations occurred, or whatever propositions, even, there may have been among outsiders, they never had the sanction of Colonel Atkins, the Commissioner of Indian Affairs, and would not have been sanctioned by him.

The CHAIRMAN. Do you think it would be competent, supposing there was evidence in the case that this witness had been endeavoring in various ways to secure control of an Indian tradership, to thereupon put in the declarations of Commissioner Atkins made in a conversation with him?

Senator COKE. If I could show that so far from Colonel Atkins giving his consent to any such thing (as I suppose it is attempted to be proved by this testimony), he distinctly informed this young man that he could not give him a commission under any circumstances, I think the transaction would be left among outsiders and Commisioner Atkins would be exonerated.

The CHARMAN. Certainly, as a matter of law in a court, I should consider the testimony entirely incompetent. If there has already been put into this case evidence as to what Commissioner Atkins said to this witness, or if there has been put in, in the nature of prosecution, not by the Commissioner himself, what he had said to this witness in a conversation, that might amount to a substantial transaction. If it did I should think that the Commissioner might prove the actual conversation by other witnesses. But it seems to me that it is a very loose practice to allow an officer in Commissioner Atkin's situation, who thinks he is under some imputation, to come in here and prove a conversation that he had with his own nephew.

Senator COKE. The charge here is that Colonel Atkins permitted his own nephew to use his influence with him for the purpose of making money. That is really the charge sought to be sustained against Commissioner Atkins. I simply desire to show that this young man wanted an Indian trader's commission, but that Commissioner Atkins positively refused, and gave him his reasons for refusing to let him have a commission.

The CHAIRMAN. I should hold that a contemporaneous document made at the time would be competent. But I should think, even with the laxity that prevails in Congressional investigations, that the Com-

missioner ought not to be allowed to put in a conversation in which his nephew said to him, I want to do so-and-so, and the Commissioner said to him "No, you shall not. I had rather give $500 out of my own pocket than to have you do that."

Senator COKE. This is a part of the *res gestæ* of the transaction you are attempting to prove. It occurred contemporaneously, along during the same period of time when the charge was located, and it is simply for the purpose of showing that whatever these outside parties may have done along about the same time, yet when this young man went to Commissioner Atkins to get a commission he was informed that he could not have one.

The CHAIRMAN. I understand that it is an attempt to show that he wanted something and was refused, in a conversation first put into the record now, at this date. In court it would not be admissible, as it seems to me, and I do not know whether it is admissible here or not. I shall leave the question, as far as I am concerned, to be settled by the other members of the committee who know what has been the course of this investigation.

Senator COKE. Well, if this question is not permitted to be asked, there is no use in having any further examination at all, in my opinion.

Senator PLATT. I think about this matter just as I do about a great deal of the evidence which was put in. It can not be justified on any legal principles which would apply to the admission of evidence in court. But we were so liberal in taking in everything that was offered on either side that perhaps it is hardly worth while to draw the lines tightly now. That is the way I feel about it, Mr Chairman.

The CHAIRMAN. Senator Coke can go on with his examination.

Senator COKE. Very well; I will proceed, but with this remark: that in my judgment, as a lawyer, to rule out this testimony would be to rule out the most pertinent and material testimony to the issue that has been offered on this point; because you seek to connect Colonel Atkins and the Indian Bureau with these alleged misdeeds of these outside parties; and if rebutting testimony can not be introducedon such points I think the case ought to be given up.

The CHAIRMAN. Before going on I will take occasion to remark that while I think the principle you state is correct, that when partial proof of a transaction is put in full evidence of that transaction may be given, yet it is a very dangerous rule to adopt to allow an accused party in any case to justify himself by his own conversations, not made of record at the time.

Senator COKE. This witness is not the accused party.

The CHAIRMAN. But he proposes to put in statements made by Commissioner Atkins. However, it is not worth while to discuss the reasons of my doubt upon the subject in view of the fact that I withdraw my objection to the question.

Senator COKE (to the witness). Do you know what passed between Mr. Bartles and Mr. Finney with reference to this conversation which you had?—A. No, sir; I do not, any more than what I have read in the testimony which was taken by the committee out in Arkansas City.

Q. Did you have control of an Indian trader's commission?—A. No, sir; I did not.

Q. You talked with Mr. Bartles on the supposition that you could get one, did you?—A. Yes, sir. I told him that I thought I might be able to get one.

Q. State whether you tried to get one, and the result.—A. Well, sir, on the way to the office one day (I was boarding at the same house

with the Commissioner at the time), I talked with him in regard to it, and asked him for it, and he thought about it for a minute. We were standing on the Interior Department steps, just going up to his office, and I was going to my office (I was then in the Post-Office Department), and he said to me, "Will, I would rather make you out a check for $500 than to give it to you." Then he thought for a moment more and said, "I would rather resign my office than to give an Indian tradership to any one having a drop of my blood in his veins." I told him it was not important; that if he could give it to me I would liketo have it, but I did not care particularly about it.

Q. That was all that passed between you, was it?—A. Yes, sir; that was all that passed between us at all. I dropped the subject right there, and hardly thought of it again until I heard of the evidence taken by the committee at Arkansas City.

Q. Was there any further conversation between you and Mr. Miles, Mr. Bartles, or Mr. Finney; or was there any correspondence after that time in regard to this matter?—A. No, sir; no correspondence or talk at all.

Q. That was all there was to it?—A. Yes, sir; that was all there was.

Q. Do you know what communication Mr. Bartles made to Mr. Finney?—A. No, sir; I do not know anything at all about that.

Q. I have given you the substance of the letter said to have been written by Mr. Miles to Mr. Finney, and I understand you to say that you did not authorize Mr. Miles to write to Mr. Finney about it?—A. I know nothing in the world of it one way or the other. I did not authorize Mr. Bartles to write any letter, or authorize Mr. Bartles to authorize Mr. Miles to write any letter, neither did I authorize Mr. Miles to write any letter. I authorized no one to write a letter.

Senator COKE. I have no further questions to ask.

By the CHAIRMAN:

Q. State exactly what you said to Commissioner Atkins.—A. I asked him for a license. I told him I would like to go out to one of those Indian traderships; that I thought perhaps it would be more lucrative than the place I then held, and that it would take me out in the open air more. I had had some bad health that winter. Then followed what I just stated a moment ago. He thought over it a few minutes, and then he stated substantially what I stated a moment ago in regard to it.

Q. Did you give him any additional particulars of your plan?—A. No, sir; I did not.

Q. Did you tell him you thought you would like yourself to become an Indian trader?—A. Yes, sir; I told him I would like to go out as an Indian trader.

Q. Did you tell him what your plans were with reference to capital? A. Yes, sir; I told him I thought I could raise the money.

Q. Did you speak of any particular amount which would be necessary?—A. No, sir; I did not. I told him I would like to go to some place where it would not take much capital.

Q. Did you tell him how you thought you could raise the money?—A. No, sir; I do not know that I did other than this: I told him that I thought I could raise it from some business men here in the city.

Q. You think you told him that?—A. Yes; I think I did. That is my impression.

Q. Did you tell him that you had had any talk with anybody about going in with you as a partner?—A. Yes, sir.

Q. Whom did you tell him you had thought about?—A. I told him that Mr. Shafer, here in the city, who was a druggist, would like to go in with me. And as I came by there this morning I went in to get him to come up here with me, but he had no one to stay in his store and could not come this morning. But he said in case this committee saw fit to subpœna him he would be delighted to come.

Q. What arrangement did you tell Commissioner Atkins you thought of making with Mr. Shafer?—A. I do not know that I told him that at all. I simply told him that Mr. Shafer wanted to go in with me as a partner in case we could get the license.

Q. Did you have any conversation with Commissioner Atkins about the respective shares that you and Mr. Shafer were to control?—A. No, sir; I did not.

Q. Nor about the capital each was to furnish?—A. No, sir.

Q. Are you sure that no amount of money was mentioned that it would be necessary for you to have if you went into it?—A. Between the Commissioner and myself? Not that I have any recollection of at present. But when I was speaking with Mr. Bartles he said that it would take about three thousand dollars to run the Kaw Agency.

Q. Did you tell the Commissioner of Indian Affairs that you thought you could raise three thousand dollars?—A. No, sir.

Q. You did not mention any sum?—A. No, sir.

Q. Did you tell the Commissioner that you thought you could raise half the amount that was necessary, and get a partner who would raise the other half; did you tell him that?—A. I told him that the party that I would go in with, Mr. Shafer, could raise his part, if I mistake not.

Q. Did you mean by that one half?—A. Yes, sir; and nothing else.

Q. Did you have any conversation in connection with an Indian tradership with any person with reference to a partnership with you in which this person was to furnish the whole of the money—the whole of the capital?—A. No, sir; I never did.

Q. Did you tell the Commissioner that you had found such a person?—A. No, sir.

Q. Who would furnish the whole capital?—A. No, sir; it was not to furnish the whole capital.

Q. Did you tell the Commissioner that you had found a party who would furnish the money and take you in with him in partnership?—A. No, sir; not meaning that I would not furnish a portion of the money. It old the Commissioner, though, that I knew a man who would go in with me.

Q. Then if the Commissioner understood you to say that you had found a person who would furnish the money and take you in without money, he misunderstood you, did he?—A. If he understood me to say, sir, that I had found a man who would furnish the whole of the money and take me in, he was mistaken; yes, sir; because I never meant to say anything of that kind.

Q. Have you seen the letter that the Commissioner has written to the committee?—A. No, sir; I have not.

Q. If he states that you said there was a party here in Washington who would raise the money and go in with you, was he mistaken in that statement?—A. The whole amount?

Q. Yes, sir.—A. I never meant to make any such statement as that.

Q. What was your business before you went into the Post-Office Department?—A. I was in the Coast Survey.

Q. How old are you?—A. I am twenty-three years of age at present.

Q. When did you leave off attending school?—A. I think, sir, I was a boy about fourteen or fifteen or something like that.

Q. What have you been doing since?—A. Well, sir; I was a telegraph operator after that for awhile. I staid in a telegraph office to learn the business, and then I got an appointment in the Coast Survey.

Q. What year were you appointed in the Coast Survey?—A. I think it was in 1882; that is my impression.

Q. And you staid there until what time?—A. I staid there until January, 1885, and then, sir, I was transferred to the Post Office Department, or rather I got an appointment through the Civil Service Commission in the Post-Office Department.

Q. You were examined before the Civil Service Commission and went into the Post Office Department?—A. Yes, sir; and I remained there until the 25th of last October, and then I was transferred to the Pension Office and have been there since. I expect to go to the field in a few days as a special examiner.

Q. On what recommendation were you first appointed in the Coast Survey?—A. Colonel Gunter had me appointed. He was then Congressman from my district.

By Senator COKE:

Q. He was from Arkansas?—A. Yes, sir; from the Fourth district.

By the CHAIRMAN:

Q. Did Commissioner Atkins recommend you for that appointment?—A. I do not know whether he did or not.

Q. Did you ask him to recommend you?—A. No, sir; I did not know anything about it until I got a letter from Colonel Gunter telling me to come on to Washington.

Q. Had you applied to Commissioner Atkins to aid you in securing a place under the Government?—A. No, sir; I had not.

Q. And you did not know then, and do not know now, whether he contributed towards securing you that place in the Coast Survey?—A. No, sir; I do not.

Q. Had you applied to your Congressman?—A. No, sir.

Q. Had you made any application to any one?—A. No, sir; I had not.

Q. And you have no means of knowing, then, how you happened to receive that appointment?—A. No, sir; unless it was through the good will of Colonel Gunther, who was then Congressman for my district. His family and my own were friends.

Q. Was he or any one else aware that you desired an appointment under the Government?—A. A great many persons knew that I needed it, but I do not know that any one was aware of the fact that I wanted it.

Q. So that you leave the statement in this way: that you never had made any application to any one for appointment and had no knowledge or expectation of receiving an appointment when you were appointed?—A. Yes, sir; that is the status of the case exactly.

By Senator PLATT:

Q. Is Colonel Gunther under any particular obligation to you in any way?—A. No, sir; not that I know of.

By the CHAIRMAN:

Q. Was he a Republican or a Democrat?—A. He was a Democrat

By Senator COKE:

Q. He was from the Fort Smith district?—A. No, sir; from the Fayetteville district, the district now represented by Mr. Peel.

By the CHAIRMAN:

Q. When you had this talk with Commissioner Atkins, had you any capital then?—A. None in my own hands; no, sir. I could have raised the money.

Q. But none of your own?—A. Well, my mother would have let me have what I needed.

Q. Did you have any communication with her about it?—A. I think I wrote to her something about it.

Q. That you might want some capital?—A. Yes, sir. That was my idea in raising what money I wanted, to get it from my mother.

Q. You expected to obtain it through your mother?—A. Yes, sir.

Q. You had no means of your own?—A. No, sir; none to speak of. I had some little money, but none to speak of at all.

Q. Had you ever been in any other business than what you have described?—A. No, sir; none whatever.

Q. Had you ever been in any store or trade in any way?—A. I was a clerk in a drug store one morning; that is all I know of.

Q. In Mr. Shafer's drug store?—A. No, sir; that was at my home in Fayetteville.

Q. And you had no capital of your own?—A. No, sir; I had none to speak of, of my own.

Q. Did you receive any reply from your mother stating that she would be willing to furnish you capital?—A. I think I did, but I could not state now with preciseness what it was; but I think my mother consented to do what she could for me.

Q. Have you that letter preserved?—A. No, sir; that was a long time ago; two or three years ago, I expect.

Q. You have not the letter preserved?—A. No, sir; I have not.

Q. Did you make any definite arrangement with Mr. Shafer?—A. No, sir; except that Mr. Shafer took me up on Eleventh street and introduced me to some man who told us that Bartles would know more about these Indian tradership than anybody else, as we did not know anything about Indian tradership of any consequence; and this gentleman took us down to introduce us to Mr. Bartles, but Mr. Bartles was not at his room; that is my impression, and arrangements were made through Mr. Shafer or some one for a meeting at Mr. Shafer's drug store between Mr. Bartles and myself, and we went there, and then I asked him with regard to the different tradership around over the country and the amount of capital necessary. He talked fluently in regard to them, and seemed to know all about them. I told him I did not want to go to any place where it would require very much capital, because I could not raise a very great amount of capital; that I would like to go to some place where I would not have to put up more than fifteen hundred or two thousand dollars or something like that.

Q. Did you make any definite arrangement with Mr. Shafer to this effect: that if a good tradership could be produced you and he would go in as equal partners?—A. That was the understanding between us.

Q. Was it understood that each was to furnish a share of the capital?—A. Yes, sir; that was the idea. I would like to have Mr. Shafer subpœnaed to come before the committee if you would like to examine him.

Q. You may state how you happened to be transferred from the Coast Survey to the Interior Department.

The WITNESS. You mistook me if you think I made that statement.

The CHAIRMAN. Perhaps I did.

The WITNESS. I was appointed to the Post-Office Department. I stated once before that I went through the Civil Service Commission and got an appointment through that in the Post Office Department.

Q. And then you were transferred from there?—A. Yes, sir; to the Pension Office.

Q. That is the point I wish to get at. How did you happen to be transferred fromt he Post Office Department to the Pension Office?—A.—I think my uncle had me transferred; that is my impression.

Q. Was it customary at that time to make transfers from one Department to the other?—A. In last October? Yes, sir.

Q. At the time you were transferred?—A. Yes, sir.

Q. Do you know how long that practice has existed?—A. No, sir; I do not, but I suppose ever since the civil service rules have been in vogue. I am not posted on that point.

Q. Have you been promoted since you have been there?—A. No, sir; I have not.

Q. What was your salary in the Post-Office Department?—A. My salary was $1,400 a year.

Q. And you receive $1,400 now in the Pension Office?—A. Yes, sir.

Q. Will you state what applications you have made to the Commissioner of Indian Affairs for appointment or promotion in any way since March, 1885?—A. I do not know that I have made an application to him for promotion.

Q. Have you made any applications to any one for promotion?—A. Yes, sir; I have asked Senator Berry to intercede in my favor, and I also asked Senator Jones and Colonel Peel to intercede in my favor.

Q. I mean have you made application for any other place under the Government?—A. No, sir—well, yes, sir; I asked to be examined for the position of electric light inspector in the Treasury. I asked for an examination and it was granted to me, but I did not succeed in getting the position.

Q. Were you examined?—A. Yes, sir; and another man stood higher than I did.

Q. Name any other efforts you have made to secure different employment under the Government.—A. I do not call any to mind just now, although I may have done so.

Q. You think this examination which you speak of, and your conversation with Commissioner Atkins with reference to an Indian tradership, are the only efforts you have made to secure appointment or employment under this Administration?—A. I requested him to have me transferred over to the Pension Bureau.

Q. Besides that, and besides your request for promotion by those two Senators, you have made no other efforts to secure any different employment from this Administration?—A. That is my impression, that I have not. I do not remember of anything else at present.

Q. Have you made any efforts to obtain any additional emolument, or to make any money in any way out of the Government, which you have not named?—A. No, sir; other than I was transferred over to the Pension Office with the understanding that I was to go to the field, and that pays me $3 per diem over and above my salary.

Q. Well, omitting then all reference to what you have already stated, have you made any other efforts to secure employment or to make money

in connection with the Government?—A. Yes, sir; in regard to this Indian tradership.

Q. I say omitting that?—A. No, sir; none that I know of whatever.

Q. Then what you have stated constitutes all your efforts towards promotion or in the direction of getting additional office, or being benefited pecuniarily in any way in connection with the administration?—A. Yes, sir; all within my knowledge that I know anything about.

Q. You have had no talk with Commissioner Atkins about anything else?—A. No, sir; none that I know of.

Q. Have you had any talk with him or any one else in reference to other Indian traderships?—A. I spoke with Mr. Bartles in regard to the different traderships around the country.

Q. That you have already stated.—A. Yes, sir.

Q. Have you had any conversation with any one else about that matter?—A. No, sir; other than with Mr. Shafer and Mr. Bartles; those are the only two persons.

Q. You have not explored the Indian tradership matter in any other way or to any other extent?—A. No, sir; not that I know of.

Q. Would you remember if you had?—A. I think I would; that is my impression.

By Senator PLATT:

Q. Have you seen Mr. Bartles recently?—A. No, sir; I have not.

Q. If Mr. Bartles said that you asked him once what you could realize out of the business if you could get the license and let Mr. Finney run the business, he is mistaken, is he?—A. Yes, sir; he is.

Q. Do you remember whether or not Mr. Bartles told you that he did not think there was enough business there for two?—A. I think he did; that is my impression.

Q. And yet, notwithstanding that, you asked the Commissioner for it upon the understanding that there were to be two?—A. Mr. Bartles told me that you could make there from $2,000 to $3,000 on that, and I thought that was fully as much as I was getting in the Post-office Department, and I would rather be where it would take me out into the open air, and would rather have that even at a less salary than I was getting, if I could not do any better, in order to get out.

Q. What were you getting in the Post-Office Department?—A. I was getting a thousand dollars.

Q. And you did not then suggest or ask of Mr. Bartles what you could realize out of that office by getting a license and letting Mr. Finney run the office while you staid in the Post-Office Department?—A. No, sir; I never made any such proposition as that or thought of such a proposition.

Q. And if Mr. Bartles thought you did, how do you suppose he got that impression?—A. Well, sir, that is more than I can tell. Mr. Bartles would have to be interviewed on that point.

Q. How much conversation did you have with Mr. Bartles—how many times did you see him?—A. I do not know, sir; I saw him several times though, and talked with him, and I asked him in regard to the different agencies around over the country and all this information he gave me.

Q. Did you tell him where you could get money?—A. No, sir; I do not think I did.

Q. Did you represent to him that you had any money yourself?—A. I told him that I had some money; that I could raise the necessary amount.

Q. What first induced you to think that the Kaw Agency was probably the agency you wanted?—A. Mr. Bartles spoke to me in regard to

it, and said there would be a vacancy there pretty soon; that the man's license there would run out; that he had let his stock run down.

Q. Did Mr. Bartles say anything to you about going to Osage Agency?—A. Yes, sir; I think he did, and I replied that I did not think I had money enough to go to Osage, or something to that effect.

By the CHAIRMAN:

Q. Have you any letters from any one in reference to this business?—A. None at all; no, sir.

Q. Did you ever have any?—A. No, sir; I never did have any letters.

Q. Did you ever write any about it?—A. No, sir; I never wrote a letter in regard to it.

Q. In this letter to your mother, did you allude to the prospect that you might want money for an Indian tradership?—A. I am not positive whether in that letter I stated it was for an Indian tradership or not. I said some kind of business. I am not positive in regard to that point.

Q. And you also are not certain whether she alluded to an Indian tradership in her letter to you?—A. I am unable to say.

Q. So that you have no writing at all in your possession, and know of none that you have sent to any one else in reference to these Indian traderships?—A. No, sir; none whatever.

The CHAIRMAN. That is all.

The select committee then adjourned, to meet again at the call of the chairman.

SELECT COMMITTEE ON INDIAN TRADERS,
Washington, D. C., Friday, May 11, 1888.

The select committee met, at the call of the chairman, at 11 o'clock a. m.

Present: Senator Chandler (chairman), Senator Cullom, and Senator Blackburn.

The CHAIRMAN. Mr. Ellison comes before the committee at his own request.

STATEMENT OF GEORGE C. ELLISON.

GEORGE C. ELLISON, of Washington, D. C., addressed the committee as follows:

I will state to the committee that I would not have paid any attention to the statements concerning myself which have been made before the committee if it had not been for the letter written by the chairman of the committee to the Sergeant-at-Arms of the Senate objecting to my appointment to a position under the Senate. I will ask if it is proper to have that letter here and to have it read? Several members of Congress have seen it and several Senators also, so that it is a sort of common property.

The CHAIRMAN. Do you want the letter put into the record?

Mr. ELLISON. No; I do not care for that, but I want to answer some of the points contained in it.

The CHAIRMAN. What you are to deal with now is the printed record of the testimony taken by the committee. If you want to put the letter that I wrote to Sergeant-at-Ar ms Canaday in and make it a part of the record you can do so, and you may see it first before you determine upon that point.

Mr. ELLISON. Very well. I will go on in the meantime and state what I have to say in regard to the testimony taken by the committee. And first I find a statement made by Dr. De Bra, printed on page 261, and I will state how I came to meet Dr. De Bra. Perhaps it would be proper also to state how I came to go down to the Indian Territory as an Indian trader.

The CHAIRMAN. You may proceed in your own way.

Mr. ELLISON. I applied to General Atkins, the Commissioner of Indian Affairs, for a position as Indian trader. He told me that he would appoint me. He said I had better think it over about a week and then if I would come to him he would appoint me. There was not a word said about politics by either of us. So I went in about a week afterwards with a gentleman named Bagley, a Democratic member of Congress, and Mr. Bagley said he thought it would be a good thing to appoint Ellison to go down there. I suppose he made the appointment because of Mr. Bagley's going in there, and also because of the old acquaintance that he and I had. At any rate he made the appointment.

The CHAIRMAN. What Mr. Bagley do you refer to?

Mr. ELLISON. To Mr. John H. Bagley, jr., a member of Congress from the Catskill district in New York. After I received my appointment I first went to the Osage Agency and spent two or three weeks there looking around for an opportunity to get into a business.

Senator CULLOM. What kind of a business?

Mr. ELLISON. An Indian trader's business.

The CHAIRMAN. Did you take any letters with you from Commissioner Atkins?

Mr. ELLISON. I took a regular appointment from him for the Osage Agency.

Senator CULLOM. Have you that appointment with you?

Mr. ELLISON. I think I have. I filed my bond in regular form with two bondsmen, and everything was all straight. (After searching among his papers.) I do not find the appointment here, but I have here the bond and also the letter accepting my resignation.

The CHAIRMAN. Let the papers that you have here go into the record at this place and furnish the committee with a copy of your appointment to be printed in connection with them.

The papers referred to are as follows:

LICENSE TO TRADE WITH INDIANS.

Be it known that George C. Ellison, trading under the firm name of George C. Ellison, having filed his application before me for a license to trade with the Osage tribe of Indians at the following-named place within the boundaries of the country occupied by the said Indians, viz, Osage Agency, Indian Territory, and having filed with me a bond in the penal sum of ten thousand dollars with George W. Platt and Reginald C. Levine as sureties conditioned as required by law for the faithful observance of all the laws and regulations provided for the government of trade and intercourse with Indian tribes, and having satisfied me as required by law that he is a citizen of the United States and of good moral character, he is hereby authorized to carry on the business of trading with the said tribe at the above-named place for the term of one year from the 19th day of September, 1885, and to keep in his employ thereat the following-named person in the capacity ———.

I am satisfied from the testimonials which have been placed in my hands ——— sustain a fair character and ——— fit to be in the Indian country.

This license granted upon the further express condition that the said George C. Ellison, in accepting the same, waives all right and privilege which he might otherwise have against the Government of the United States for losses or damages, or both, which may result from the depredations of Indians during the continuance of this license and pending the removal of his effects from the Indian country on expiration or revocation of the same.

Given under my hand at the office of Indian Affairs, Washington, D. C., this 19th of September, 1885.

J. D. C. ATKINS,
Commissioner.

BOND.

Know all men by these presents, that I, George C. Ellison, of the city of New York, in the State of New York, as principal, and Reginald C. Levien, esq., of 56 East 61st street, of the State of New York, and George W. Platt, esq., of No. 144 South Oxford st., in Brooklyn, Kings Co., State of New York, as sureties, are held and firmly bound unto the United States of America in the sum of ten thousand dollars, lawful money of the United States, for the payment of which, well and truly to be made, we bind ourselves and each of us, our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Sealed with our seals, and dated this 9th day of September, eighteen hundred and eighty-five.

The condition of this obligation is such that whereas the above bounden George C. Ellison, of the city and State of New York, as principal, hath made application to the Commissioner of Indian Affairs for a license to trade with the Osage tribe of Indians, of the following described place within the boundaries of the country occupied by the said tribe, viz:

At the Osage Agency, in the Osage Reservation, Indian Territory.

Now, if the said application shall be granted and the said license be issued, and if the said George C. Ellison, so licensed, shall faithfully conform to and observe all the laws and regulations made, or which shall be made, for the government of trade and intercourse with the Indian tribes, and in no respect violate the same, and shall trade

at the aforesaid place, and no other, and shall in all respects act conformably with the license granted to him, then this obligation to be void; else to remain in full force and virtue.

G. C. ELLISON. [SEAL.]
GEO. W. PLATT. [SEAL.]
REGINALD LEVIEN. [SEAL.]

Signed and sealed in presence of—
JOHN C. FISHER,
WINTHROP FOSTER,
As to all.

The foregoing bond is approved.

WILLIAM DORSHEIMER,
United States Att'y, Southern District of New York.

ACCEPTANCE OF RESIGNATION.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., December 17, 1888.

SIR: This office is in receipt of your communication of the 16th ultimo, containing the resignation of your license to trade with the Indians at the Osage Agency. The above resignation is accepted.

Very respectfully,

J. D. C. ATKINS,
Commissioner.

GEORGE C. ELLISON, *City.*

The CHAIRMAN. You may proceed with your statement.

Mr. ELLISON. I began to talk with one or two people while I was there in regard to buying an interest in their business, and the man who entertained me or encouraged me the most was Mr. Bartles, a gentleman who also makes some remarks in this record that are not very pleasant to me. While we were there we entered into the taking of an account of stock, and the terms on which I thought of going into business I should like to state, because in that matter there seems to be some reflection cast on a good many people who went down there without means. My understanding with him was clear and distinct before we began to take an account of stock that I did not want to pay any money for his stock; for the half of the stock I was talking of purchasing.

Senator CULLOM. How did you expect to get it?

Mr. ELLISON. I proposed to give him my notes for one-half of the stock, payable at six, twelve, and eighteen months, at 6 per cent. interest. He said that eighteen months would be about the length of time it would take to cover the whole cost of his stock; that it would take about eighteen months of profits to wipe it out. I was to pay him for the stock with my notes, divided into six, twelve, and eighteen months, bearing 6 per cent. interest, and of the additional stock that we bought jointly I was to pay one-half in cash for every article that went in. When the eighteen months expired then I would begin to draw a half interest in the business. That was the basis, plain and simple, and none other was made between him and I, and on that basis we began to take an account of stock.

We took the account of stock, and there are very few people of course who are familiar with a man's entire stock or that have any experience of that kind. But when he struck into iron, copper, tin, and matters of that sort, that I was familiar with, I then began to inquire about these enormous prices, and I found that the prices he was paying for things was paid on the basis of six, eight, and twelve months' credit, so

that they were enormously high. I said I thought the account of stock ought to be taken at its gold and silver or money value; that I did not want to buy that credit. So he continued along, and it made a little ripple between us, and when we got through and footed it up I found it was either $17,000 or $19,000. I then said, "I hardly think we can trade. You would not like to take right off your stock 25 per cent. for breakage, wearage, and store damage, and that sort of thing, which you ought to, to say nothing about these enormous and inflated prices that you want to let me in on." He said no, he would not like to take off so much as that, and it ended there.

I had been there about two or three weeks. In the mean time I had gone around the country and seen many other traders and talked a little with some of the other traders, but not so much as with him. And then I left to perambulate down through the other agencies, which I did to the extent of visiting seven or eight. I wound up at the Cheyenne and Arapahoe Agency and there I met this Dr. De Bra, and I spent a week in visiting the two or three schools, talking to the children and going around the churches and Sunday schools there, as you know they are all interesting for strangers. And in the course of my conversation with Dr. De Bra, in speaking of the treatment of the Indians, he spoke dreadfully light of them by saying that "the damned creatures had no souls." Well, I stopped at that. I thought a man might not like the Indians and yet he might treat them and speak of them differently, so that I took a back track on that at once and I told him that that would not do; and I think he saw I was a little bit offended at that talk, but we did not speak about it more than two or three minutes afterwards—after he said the Indians had no souls.

About a week later Commissioner Atkins came out there with a Congressional committee—Mr. Holman, Mr. Peelle, Mr. Cannon, Mr. Ryan, and those gentlemen—and I was there, and in the course of that week's conversation this thing dropped out, not in the way of a tell-tale matter (as I did not think it was of any consequence to say anything about it and damage the man), but I did say that he was a queer sort of a doctor to have down there. Commissioner Atkins asked me why. I said, "Because he tells me that the Indians have no souls." "He did not tell me that," said the general. I said, "That is about what he said."

Now, this page here, page 261, alludes to that conversation, and as that is the first page I refer to in this book of testimony I would like simply to say what took place in regard to it, so far as I remember. It begins here where he says, "General Atkins told me he gave him a license." I do not know but what the shortest way simply is to deny that I ever made the statement that he says I made here. He says that I offered for $300 or $600 (I have forgotten the exact amount) to have him appointed. There was never such a conversation either directly or indirectly, and no such proposition was made to him or by him to me in any way, shape, or form. I was not in the brokerage business, anyway, and never have been. He speaks of my being "a drunken dead-beat." I will say that I never drank twenty-five glasses of whisky, gin, beer, ale, or champagne in my life. I have lived in this city and can prove that by people who have known me here for ten or twelve years. As to my being a dead-beat I will say that I never "beat" anybody, and I do not owe a dollar to-day that I can not pay. While at that hotel I paid every dollar that was asked of me, and I never left a dollar unpaid to anybody. I think that is all the notice Dr. De Bra requires.

Now, in regard to Murphy, who keeps a hotel there. An allusion is

made in the testimony to my talking about "firing him out" for not having a better breakfast for me than he had. The fact is, I came down there late one morning; I did not see him or his wife; it was a colored servant—a dirty, uncouth thing. I was, of course, a little late; it was about 11 o'clock, and the coffee and rolls were a little cold, and I made some remark about it and she spoke back, and I said, "I guess you have been here about long enough, and they ought to have somebody here who can keep a hotel." What she told them about it I do not know, but that is all the conversation I had with any person in the way of complaint about that hotel. I thought I had a right to do so, as they brought me that kind of a breakfast and took pay for it.

On pages 285, 286, 287, and 292 Mr. Wismeyer makes this statement, beginning at the question:

Q. What did he say about trading with you?—A. Well, he had been there some time. I knew who he was from street talk. I knew that he was a licensed trader; that he had a license to trade.

Q. What did he say?—A. He had been there some time before he ever spoke to me. But he spoke to me one day and said, "I presume you know who I am?" I told him yes; I knew what his name was.

The CHAIRMAN. You need not read all that; but you may say it is all untrue—the whole of that long answer—or you may specify such portions of it as are untrue, leaving the rest to stand.

Mr. ELLISON. About midway of that answer he says:

I told him I was aware of that fact—that I had been so informed—and he suggested that he go in with me, and I told him then that he had just remarked that I could not get a license, and how was he going to manage? He said he could fix that all right; and finally he remarked, "How would it do to fix this up? I can have your name put in, and we will call it Ellison & Wismeyer."

I made that allusion to him, that if we went into business the firm name would have to be changed to Ellison & Wismeyer.

I will leave you here to manage the business, as I do not know anything about it, and I have got a position in Washington that pays me four or five thousand dollars a year.

I did not say that I would leave him there to manage it. My intention was, if I went into the business, to devote every moment of my time to it. I deny that statement of his. In regard to the statement of my income being four or five thousand dollars a year, I will say that I never have yet been able to earn more than one-half that amount.

The CHAIRMAN. You mean that you did not tell him that, then?

Mr. ELLISON. No, sir; I did not tell him that. I told him I had an income from papers that I was writing for; they knew generally that I was writing gossip, and one thing and another. I told him I did not feel like entering into a business of that kind, and he did not tell me anything of that kind.

Well, he reminded me again that I could not get a license, and I told him that was all very well.

Now, I will say just there that I did tell those people (not only he, but it occurs in several other places) that I did not think they could get a license; that I thought those places belonged to the administration, and it was proper they should have them. I told that to everybody, and that has been my political belief right straight through, that to the people who win the battle or the victory the spoils belong, and that is about all there is to it.

Then Mr. Bartles, on pages 310, 311, and 366, makes some statements about me. He is asked:

Q. Did you see Ellison when he came down to the agency with a license?—A. Yes, sir.

Q. What did he want to do?—A. I presume he wanted to trade at the Osage Agency.
Q. What proposition did he make for that purpose?—A. Well, he made several propositions; but, to sum the thing right down, he wanted a man to furnish the goods and he would furnish the license.

Senator BLACKBURN. Who would put in the license?

Mr. ELLISON. That I would put in the license against his money. That is an infamous lie clear up and down, and he would not dare to look me in the face and tell me that, for we bartered a week with regard to our terms. He wanted money for his stock and I did not want to give it to him. I wanted to know, for at least eighteen months, something about a man I was going to be a partner with, and a man who would make any other terms would be a crazy man.

The CHAIRMAN. Confine yourself to what you did, and not give the reasons for your action.

Mr. ELLISON. I contradict his statement that I made any such proposition as that to him. There are a number of places here in this testimony where he speaks of statements made by myself about my acquaintance with people in Washington and allude to General Atkins. I only say that he has very much overdrawn that. I said that I knew General Atkins, and I knew a great many other people; being here in Washington twelve years and in public life thirty years, I know a great many people and probably a great many who do not know me. But that I used that as any means of getting into business I deny in toto wherever it occurs in this book, and I believe it occurs in four or five different places.

On page 366 of Mr. Bartles's testimony he alludes to an affidavit having been gotten up concerning a statement that he claims I made that reflected upon General Upshaw. I never made any such statement as he says I made, which was that $100 looked as big as the side of a house to General Upshaw, or that I could buy him for $100.

The CHAIRMAN. What page is that on; there is no such statement on page 366?

Mr. ELLISON. That, I think, comes in the affidavit of Mr. Bird, just below. Mr. Bird's statement is right on the same page where he alludes to an affidavit having been made. He is asked the question—

Q. What was the purport of that affidavit?—A. It was in reference to General Upshaw. I do not remember the exact words of the affidavit. I think, though, that the affidavit stated that Ellison had said that General Upshaw was a starved-to-death little devil, and that a hundred dollars would look as large to him as a mountain.

I never made any such statement as that. In a general way in talking about the war sometimes, I have alluded to those people who came out of the war as being pretty well broken up and starved out. I am a strong partisan and doubtless made that remark.

Senator BLACKBURN. What remark was that?

Mr. ELLISON. That many who had been in the rebellion had come out pretty well broken up and pretty well starved out. I did not mean it to be offensive to General Upshaw, but in a general way I alluded to it, and they have garbled that thing on which they have based that affidavit. That I am willing to let go with that denial.

Then there are statements made by John L. Woy on pages 367, 368, and 369. Mr. Woy is asked a question there—

Q. Do you know anything about his offer to get a doctor transferred to the agency in the place of Dr. De Bra?—A. I do not know of any direct offer; I do not know of any offer. I know that there was a morning there when he said, "I have got a little business matter that I wish to attend to this morning with Dr. De Bra," and he went directly down, and I do not know but what I went far enough to show or direct him where the doctor's office was.

There is an allusion made there to a conversation, with regard to the doctor's being transferred from the Osage Agency to that place—Dr. Dodson to take the place of Dr. De Bra who was at the Cheyenne and Arapahoe Agency. I am inclined to think, and feel pretty certain that I never made any allusion to him about anybody's taking the place of Dr. De Bra. I will say in that connection that Dr. Dodson, who was at the Osage Agency, did say to me that he was not doing very well as his salary was small and he had, I think, some eight or nine children (I never saw such a grand little family of children, they were just like steps, and he himself was a capable gentleman in every way), and he never said a word to me about getting him a place at Osage in any way, shape, or form, or I to him. He did say simply that he would like to be transferred to some other place, but I never made use of it to anybody that I know of, certainly not to this Dr. De Bra.

I think, Mr. Chairman, that covers everything. If there is anything you would like to ask about, I shall be glad to answer. I feel pretty clear upon most of this because I have been very frank about the course I pursued there and I will answer any questions you may wish to put to me.

The CHAIRMAN. Have you made all the correction of statements concerning you in the record that you desire?

Mr. ELLISON. I think I have, from just running them over.

The CHAIRMAN. And have you made all the explanations you wish to make?

Mr. ELLISON. Yes, I think so; but if that letter of yours contains any politics I would like to touch upon that.

The CHAIRMAN. You may see the letter and judge for yourself [handing the letter to the witness.]

Mr. ELLISON. (After having read the letter for his own information.) I presume that is based entirely upon the contents of this testimony which you have taken. It may have reference there to my politics. If you would like me to restate my politics I have no objection to that, and I would like to do it in connection with this matter.

The CHAIRMAN. You may go on and state your relation to politics in times past.

Mr. ELLISON. With regard to my appointment I am sure there were no politics connected with it so far as Commissioner Atkins was concerned; I am sure of that. I had been in public life, had filled an honorable position on Governor Fenton's staff with the rank of colonel, I had enjoyed the confidence of President Arthur for twenty-eight years, and during one year had done several thousand of dollars' worth of engineering and steam work which he had paid me for, and our acquaintance was an every day one. I desired to be re-instated to the position in the House which I had lost through an unfortunate occurrence, and I called on President Arthur as he knew all about the trial, with Senator Hiscock, Hon. Darwin R. James, and General McCook. President Arthur went over the case and said if it was in his power to have me restored to that position as engineer of the House he would do it.

Senator BLACKBURN. Were you the assistant engineer or the chief engineer of the House at that time?

Mr. ELLISON. I was chief engineer, but I had been suspended on account of the trial or mishap I had there.

Senator BLACKBURN. I remember all about it.

Mr. ELLISON. He said he did not know Mr. Clark, the architect, but if Mr. Clark would do it he would like to have me re-instated. I told him the architect made the appointment and he said "I do not like to

say personally to Mr. Clark that I want him to put you back, but I will delegate General McCook (who is now your secretary) to say to Architect Clark that I want Mr. Ellison restored to that place." I have all the correspondence on the subject. It is a little lengthy, but there are four or five lines here right in connection with it that would close it all up and give you the reasons why it was done.

The CHAIRMAN. If you are going to read the letter state from whom you received it and give the date of it.

Mr. ELLISON. It is dated Washington, D. C., February 20, 1884, and is a letter from Architect Clark, of the Capitol, to President Arthur. It is headed, "*Inre* the application for the re-appointment of Mr. George C. Ellison as engineer of the heating and ventilating department of the House of Representatives." It is addressed "To his excellency the President of the United States." After stating about the apparatus used at the Capitol, Mr. Clark says:

> The law places the heating and ventilating of the House of Representatives under the Architect of the Capitol, with a proviso that no removal of those operating it or appointment on its force shall be made unless by the consent of the honorable Speaker of the House of Representatives. I am permitted by the Speaker to say that he does not desire the change to be made.

This copy of the letter the President furnished me himself. Mr. Lannon, my assistant when I went out, holds the place, and being a Democrat I suppose the Speaker did not care to remove him. That letter is signed by Edward Clark, Architect of the Capitol.

While I was in the House there was an investigation held concerning a statement made by a newspaper man about my having bought my position, and that was referred and the House examined into it by a committee. The committee was composed of the Hon. H. B. Payne (the present Senator), as chairman, Hon. William H. Forney, Hon. Levi Maish, Hon. John T. Wait, and Hon. T. J. Henderson. Their report is a unanimous report. In their report (having also investigated Mr. George M. Adams, the Clerk of the House, who had been called into question in connection with the appointment), they say:

> In regard to the latter (that is the chief engineer), it is proper to say that he was not a political friend of the Clerk, nor an acquaintance of his previous to the commencement of the present session. And, though presenting strong testimonials as to character and qualifications, he was, with three other applicants, compelled to submit to a competitive examination before the Bureau of Steam Engineering of the Navy Department, and it was on the official certificate of William W. W. Wood, the chief of that Bureau, that he was of all the candidates examined the best qualified, that he was appointed chief engineer of the heating and ventilating apparatus of the House.
>
> For the care and solicitude shown by the Clerk in filling this important position, in which skill, judgment, experience, and vigilance are specially required, he is, in the opinion of the committee, entitled to the commendation and thanks of the House.
>
> The testimony is reported herewith, with the recommendation that it be laid on the table and the committee discharged from the further consideration of the subject.

I will say that it was a unanimous report and shows that I was not a political friend of the Clerk. The portion I have read is taken directly out of the Record; I cut it out.

The CHAIRMAN. Let it be noted in the record that the extract is taken from the Record of the Forty-fourth Congress, first session, vol. 17, page 4186.

Mr. ELLISON. Shortly after I was appointed chief engineer of the House, there was a question raised by Hon. J. D. White, of Kentucky, as to the bad ventilation, and he laid it in part to bad engineering; and after a lengthy investigation, in which the report was unanimously

in my favor, Mr. George M. Adams, the Clerk of the House, was put upon the witness stand and made the following statement:

I appointed Mr. Ellison with the full knowledge that he was what is called a liberal Republican; and that circumstance alone, if anything, made me more anxious to appoint him, because there were a number of liberal Republicans on the floor. I knew that he voted for Mr. Greeley. I did not question him as to how he intended to vote in the approaching Presidential election, but I supposed as a matter of course that the chances were that he was going to go with the Democracy. His being a liberal Republican was not the controlling consideration at all, though I desire to state to the committee that I was cognizant of the fact that that was his political status at the time I appointed him. (See House report 841, Forty-fourth Congress, first session, report of Committee on Public Buildings and Grounds, by Hon. Casey Young, chairman of subcommittee.)

I will say that, if my politics and character were bad, I have an indorsement from the same gentleman who recommended you, Mr. Chairman, for Secretary of the Navy.

Senator BLACKBURN. I will ask one or two questions. Is it not a fact that when you were appointed to that place in the Forty-fourth Congress you were appointed as an Independent in politics?

Mr. ELLISON. No, sir; I was appointed as a liberal Republican.

Senator BLACKBURN. What do you mean by a "liberal Republican?"

Mr. ELLISON. Well, we broke off from the Republican party, indorsed Mr. Greeley, and endeavored to elect him; I know I did, very earnestly.

Senator BLACKBURN. You have said in your statement here that you told those people out there in the Indian Territory—those licensed traders—that they would not be able to get a renewal of license, because your understanding was that the spoils belonged to the victors and those places belonged to the administration?

Mr. ELLISON. Yes; that is just about it.

Senator BLACKBURN. At the same time, in explaining some remarks which were indulged in as to General Upshaw, you stated here that you were a political partisan, which would serve to explain the temper in which you spoke.

Mr. ELLISON. No; I did not say that.

Senator BLACKBURN. Have you not said in your statement here that you were a partisan in politics?

Mr. ELLISON. Yes, sir.

Senator BLACKBURN. Then I will ask you this: Believing that the spoils belonged to the victors, and that none but Democrats were entitled to those places, and that Republican traders would not be able to get their licenses extended or renewed, how much of a political partisan were you when you got Mr. Bagley, the Democratic member, to go with you to a Democratic Commissioner of Indian Affairs and ask for the issuance of a license to you, a partisan Republican?

Mr. ELLISON. I do not think that reflected upon me in the least, or reflected upon the Commissioner; not in the least. I had a dual motive in going there.

Senator BLACKBURN. What were the two motives?

Mr. ELLISON. First, to secure a business if possible, and while I was making that effort to continue to write my letters, upon the income from which I was living.

Senator BLACKBURN. What was the character of those letters; were they political?

Mr. ELLISON. No, sir; they were general, gossipy letters.

Senator BLACKBURN. No politics in them?

Mr. ELLISON. Once in awhile I stirred in a little politics.

Senator BLACKBURN. When you did what were those politics; Republican or Democratic?

Mr. ELLISON. I guess they were a little both ways.

Senator BLACKBURN. Condsidering you were a partisan Republican?

Mr. ELLISON. Well, in this newspaper correspondent business, you know, you have to write from certain stand-points.

Senator BLACKBURN. I do not know; I never have been one.

The CHAIRMAN. This letter which I wrote the Sergeant-at-Arms in the Senate objecting to your appointment to an office under the Senate is dated March 15, 1888. Did you have an interview with Senator Platt, another member of this committee, and myself on that day or about that time?

Mr. ELLISON. I think I did, or the day before the letter was written.

The CHAIRMAN. Now, state what reason you urged why neither Senator Platt nor I should object to your appointment in the Senate.

Mr. ELLISON. Well, sir, I will say that I had been selected by the Sergeant-at-Arms to see whether I could fill the bill in the Senate in running the two big Westinghouse engines. He told me if I could do so he could make a place for me. I told him I should be pleased to have it, and I went there, and had been there two weeks, and was to have been sworn in, as I filled the bill, when your letter turned up, reflecting upon me.

The CHAIRMAN. This interview with Senator Platt and myself was before that letter was written.

Mr. ELLISON. Yes, sir; but Senator Platt had made the statement to the Sergeant-at-Arms that if I was the gentleman who was named in this particular testimony that I should not be an employé of the Senate.

The CHAIRMAN. As a matter of fact that interview was either the same day before I wrote this letter of the 15th of March or the day before. Now, what reasons did you give Senator Platt and myself in that interview why we ought not to object to your receiving the appointment?

Mr. ELLISON. Because there was no reason why you should object. There was nothing I had done in the Indian Territory that I was ashamed of; I did not know, in fact, that there had been any testimony taken on the subject.

The CHAIRMAN. What reasons did you give us?

Mr. ELLISON. I do not know what reasons I gave.

The CHAIRMAN, I will try and refresh your memory. Did you tell us you were a Republican?

Mr ELLISON. Yes, sir.

The CHAIRMAN. Did you tell us that you had been helping the subcommittee—the Republican members of the subcommittee—to get testimony against Commissioner Atkins in the Indian Territory?

Mr. ELLISON. No, sir; not against Commissioner Atkins. I said an account of a good many irregularities had been furnished to Mr. Clark, of the New York Tribune.

The CHAIRMAN. You claimed that you had furnished Mr. Clark, of the New York Tribune, with evidence of irregularities in the Indian service?

Mr. ELLISON. Yes, sir.

The CHAIRMAN. Did you give us to understand that you had been aiding the Republican majority of the committee in obtaining testimony in this investigation?

Mr. ELLISON. I said that some of that very evidence I had been giving him had turned up against me.

The CHAIRMAN. Did you claim, as a reason which should commend yourself to Senator Platt and myself that you had aided in furnishing the majority of the committee with testimony directly or through Mr. Clark?

Mr. ELLISON. No, sir; I did not.

The CHAIRMAN. Did you claim that we ought to favor you because you had aided Mr. Clark, of the New York Tribune, in obtaining evidence that was used before the committee?

Mr. ELLISON. I said I thought it was strange that that information should turn up and go against me.

The CHAIRMAN. Did you claim that you had been on what you were pleased to term "our side" of the investigation, helping us to get testimony?

Mr. ELLISON. Yes; I think so; I think that interpretation would be taken from what I said.

The CHAIRMAN. Were you asked by me what Commissioner Atkins understood your politics to be at the time he gave you this appointment at the Osage Agency?

Mr. ELLISON. Yes; you asked me what I was appointed as—whether as a Democrat or a Republican.

The CHAIRMAN. What answer did you make to that?

Mr. ELLISON. My answer was that I did not know what he appointed me as, whether as a Democrat or Republican; that I never had mentioned politics to him.

The CHAIRMAN. As a matter of fact when Commissioner Atkins appointed you to the Osage Agency, were you not a Republican?

Mr. ELLISON. I was a Republican.

The CHAIRMAN. Did or did not Commissioner Atkins know you were a Republican or know what your politics were?

Mr. ELLISON. I do not believe he knew.

The CHAIRMAN. Had you assisted him any when he was a candidate for Clerk of the House?

Mr. ELLISON. Yes, sir; I had. As between him and Mr. Clark, the other candidate, I preferred him.

The CHAIRMAN. Both being Democrats?

Mr. ELLISON. Both being Democrats.

The CHAIRMAN. You had aided Mr. Atkins?

Mr. ELLISON. I had a preference for Mr. Atkins.

The CHAIRMAN. Did Mr. Atkins know at that time what your politics were?

Mr. ELLISON. I do not think he did.

The CHAIRMAN. What were your politics?

Mr. ELLISON. They were Republican.

The CHAIRMAN. Were they straight Republican?

Mr. ELLISON. Yes, sir; ever since the close of the Greeley campaign.

The CHAIRMAN. You had supported Mr. Greeley during his campaign?

Mr. ELLISON. Yes, sir.

The CHAIRMAN. Openly and avowedly

Mr. ELLISON. Yes, sir.

The CHAIRMAN. When did you, after that, first renew your allegiance to the Republican party?

Mr. ELLISON. At the first or second Congressional election after the Greeley campaign, I think at the second Congressional election, that I acted with the party and with the Liberals through that to the following Congressional election.

The CHAIRMAN. And you have been a Republican ever since?
Mr. ELLISON. Yes, sir.
The CHAIRMAN. How did you vote in the Presidential election of 1884?
Mr. ELLISON. I voted for Mr. Blaine.
The CHAIRMAN. Do you know whether Mr. Atkins was aware of that fact when you secured the appointment?
Mr. ELLISON. No, sir; I do not know that.
The CHAIRMAN. You do not know whether he was or not?
Mr. ELLISON. I do not know whether he was aware of the fact.
The CHAIRMAN. Did you make any claims as to your politics when you received that appointment?
Mr. ELLISON. No, sir; in no way, shape, or form. I had known him about the House off and on for about twelve years, as I had been in there clerking and doing newspaper work.
The CHAIRMAN. What did Mr. Bagley understand your politics to be when he went with you to the Commissioner?
Mr. ELLISON. I think Mr. Bagley had always known I was a Republican. We were old acquaintances.
The CHAIRMAN. Did Mr. Bagley know at that time that you were a Republican when he was recommending you to Commissioner Atkins for an appointment?
Mr. ELLISON. I am under the impression that he did.
The CHAIRMAN. When President Arthur authorized his recommendation for you to Architect Clark he understood you to be a Republican, did he?
Mr. ELLISON. Yes, sir; he knew me. We belonged in the same ward and had been brought up there together for twenty years.
The CHAIRMAN. He knew you had been for Greeley, but supposed you had come back again to the Republican party?
Mr. ELLISON. Yes, sir.
The CHAIRMAN. When you were out in the Indian Territory with this license what were your politics understood to be?
Mr. ELLISON. I talked a little of most everything; I was talking for business, for letters.
The CHAIRMAN. When you made these remarks which have been alluded to, that the victors (the administration) had a right to the patronage, did you talk that as a Democrat?
Mr. ELLISON. Yes; I talked that as a Democrat from the Democratic stand-point.
The CHAIRMAN. And the persons to whom you talked that understood you to be a Democrat?
Mr. ELLISON. I think in every instance they were Republicans.
The CHAIRMAN. But they understood you to be a Democrat, did they?
Mr. ELLISON. Yes, sir; I think so, coming from the administration.
The CHAIRMAN. But in reality, when you said that the administration was entitled to the patronage and that Republicans could not be expected to stay under it, you meant that the administration had a right and would be expected to give the places to their friends, whether Republicans, Democrats, or Mugwumps?
Mr. ELLISON. Whether they were Mugwumps or whether they were Democrats.
The CHAIRMAN. Did you say their friends, you thought, were entitled to the places, whether Republicans or Democrats?

Mr. ELLISON. Yes, sir; that is my view, whether they were Mugwumps or Democrats.

The CHAIRMAN. At that time you were, as a matter of fact, a Republican.

Mr. ELLISON. Yes, sir.

The CHAIRMAN. And when the administration gave you the appointment you were a Republican?

Mr. ELLISON. Yes, sir.

The CHAIRMAN. And you were helping Mr. Clark of the Tribune and the majority of the committee to get evidence?

Mr. ELLISON. That was after I came back, two years later than that.

The CHAIRMAN. How long were you out there before you were discharged?

Mr. ELLISON. I never was discharged, to my knowledge.

The CHAIRMAN. State how your appointment terminated.

Mr. ELLISON. I came home after I had meandered all through that country, having left Commissioner Atkins and the committee at Tulsa. Then I went up to Osage and came down across and took the train and came home. When I got here I called on Commissioner Atkins to thank him for his kindness in giving me the tradership. He said, "Why, Ellison, I have just recalled your license." I said, "What did you do that for?" "Well," he said, "you know you have not put up any buildings, you have not gone into business there, you have been all around the country there for three months." I said, "I do not want any more of that country; I have had all I want of it." I said, "You want my resignation?" He said "Yes." Two or three days afterwards I thought about the bond I had filed here and that my bondsmen might want to be released, and I went back there and asked about withdrawing my papers and wrote out and tendered my resignation.

The CHAIRMAN. During those three months how many agencies had you visited and at how many agencies had you investigated the subject of keeping a store?

Mr. ELLISON. I think about five or six.

The CHAIRMAN. The first one was the Osage Agency?

Mr. ELLISON. Yes, sir.

The CHAIRMAN. And you have stated what took place there. What was the second place you visited?

Mr. ELLISON. The second was the Kaw Agency.

The CHAIRMAN. Did you see the traders there?

Mr. ELLISON. I saw one trader there; yes, sir.

The CHAIRMAN. Who was he?

Mr. ELLISON. I have forgotten what his name was.

Senator BLACKBURN. There is but one there.

The CHAIRMAN. Do you remember his name?

Mr. ELLISON. No, sir; I do not.

The CHAIRMAN. On what ground did you negotiate with him?

Mr. ELLISON. I did not talk with him much. He had a little store, 4 by 9; I just talked a little about it.

The CHAIRMAN. Did you have any talk with him about buying out the business?

Mr. ELLISON. No, sir; I did not.

The CHAIRMAN. You did not think it was worth while to venture there?

Mr. ELLISON. No, sir.

The CHAIRMAN. Your license would not have allowed you to trade there?

Mr. ELLISON. No, sir.

The CHAIRMAN. If you had found that agency available it would have been necessary for you to change your license?

Mr. ELLISON. Yes, sir.

The CHAIRMAN. What was the next place you visited?

Mr. ELLISON. The next place was the Cheyenne and Arapahoe Agency.

The CHAIRMAN. With whom did you talk there?

Mr. ELLISON. I talked with Mr. Woy, for one.

The CHAIRMAN. You have already testified about your conversation there.

Mr. ELLISON. Yes, to some extent. I did not talk about buying out with him at all; I had all that experience that I wanted with the first parties and the rest was simply to gather information.

The CHAIRMAN. Did you tell anybody at that agency that you could have a license to keep store there if you wanted it?

Mr. ELLISON. No, sir; I do not think I told that to anybody.

The CHAIRMAN. Did you tell anybody there that the then existing traders could not expect to be retained and that to the Administration belonged the spoils and they ought to be turned out?

Mr. ELLISON. No, sir; I only told them, where I was asked, as to the likelihood of getting a renewal.

The CHAIRMAN. Did you make any such statement there?

Mr. ELLISON. No, sir.

The CHAIRMAN. Where did you next go to?

Mr. ELLISON. To the Sac and Fox Agency.

The CHAIRMAN. Who did you talk to there?

Mr. ELLISON. I could not state; I only staid there two or three days.

The CHAIRMAN. How promising was the outlook there?

Mr. ELLISON. Everything looked pretty well starved out. They were back in their payments, the traders owed large sums of money, and the Indans could not pay them.

The CHAIRMAN. Did you make any efforts to get in there?

Mr. ELLISON. No, sir.

The CHAIRMAN. Did you tell anybody there that you could have a store if you wanted it?

Mr. ELLISON. No, sir.

The CHAIRMAN. Did you expound to anybody there your ideas of the Administration policy about the offices?

Mr. ELLISON. No, sir. I talked about the general welfare of the Indians, and talked about matters to get some general letters.

The CHAIRMAN. What was the next place you visited?

Mr. ELLISON. The next place was at the Creek Nation. Mr. C. H. Hall was a large trader there. I stopped with him. He was a good man.

The CHAIRMAN. What was the result of your explorations there?

Mr. ELLISON. I went riding and fishing with him; I did not talk trade with him. He did not want a partner, I am sure; he had a promising business.

The CHAIRMAN. Did you not tell him you had an appointment at the Osage Agency?

Mr. ELLISON. Yes, sir.

The CHAIRMAN. Did he know that you had visited that agency with reference to determining whether you should dip in there?

Mr. ELLISON. No, sir; I talked with him more concerning the re

sponsibility of this one man I had been dealing with, Mr. Bartles, than anything else.

The CHAIRMAN. You had no talk about interfering with him or becoming a partner with him?

Mr. ELLISON. No, sir.

The CHAIRMAN. Where did you go next?

Mr. ELLISON. I went then to Vinita and Tahlequa.

The CHAIRMAN. With whom did you talk at Vinita?

Mr. ELLISON. I think there are two or three traders there, but I spent the most of my time with the clergyman there.

The CHAIRMAN. What was his name?

Mr. ELLISON. I could not tell you that. It is three years ago now.

The CHAIRMAN. Did you talk the principles of politics or religion with him?

Mr. ELLISON. I think I talked possibly a little of both.

The CHAIRMAN. Did you expound your views about the use of patronage by an administration, with the minister?

Mr. ELLISON. No, sir; I did not touch upon that. I think you are bearing a little heavy on that matter, Mr. Chairman. There is not so much in it as you think. I was pretty cautious about it.

The CHAIRMAN. You may except to my questions if you want to.

Mr. ELLISON. No, sir; I will let it all go.

The CHAIRMAN. Did you make any investigation there with reference to becoming an Indian trader?

Mr. ELLISON. No, sir; as I have said, I did not at any place outside of Osage.

The CHAIRMAN. Tahlequa was the next place you visited. Who were the traders there?

Mr. ELLISON. That is more than I could tell you.

The CHAIRMAN. You had no talk with them?

Mr. ELLISON. No, sir; I had no talk with them. I said I was a man from the States, inquiring about the Indians and their welfare, and spent my time in general gossip and fishing, and went out riding whenever there was an opportunity to go.

The CHAIRMAN. Where then, besides the Osage Agency, did you talk with persons seriously with reference to becoming a trader?

Mr. ELLISON. Nowhere, I think, outside of Osage Agency, and I think that no one alludes in that book of testimony to my making any such statements. I have gone through the book and do not see it. If they have I will contradict it, if it is contained anywhere else in there, because I did all I wanted to do with that one man; I saw that it took a mighty sharp man to go into business with those men down there; they can skin you quicker than they can skin you in Wall street; you have to hold on to your hat when you go down there. No new man can go in there without taking in one of those old hands to help him to learn the traffic, the business, and the language; you have to have a partner who has been there in order to succeed.

The CHAIRMAN. Have you ever heard, except from this testimony, that any remark you made about Deputy Commissioner Upshaw led to your discharge?

Mr. ELLISON. No, sir; he did not even tell me that. On my return General Atkins told me that my license had been—well, he did not use the word "discharge." I was not offended at it and he was not offended.

The CHAIRMAN. Have you ever heard from any source, except the reading of this testimony, that any remark that you made about As-

sistant Commissioner Upshaw had led to the determination to cancel your license?

Mr. ELLISON. No; I am sure I never heard it.

The CHAIRMAN. What means or capital had you at the time you went down there in the Indian Territory.

Mr. ELLISON. I had $3,000 in bank in money; it was in the Union Dime Savings Bank, in New York City. That was all the ready means I had. I had this claim that I have pending here; I have been expecting for ten years that it would pass, but it has not yet.

The CHAIRMAN. What is your claim?

Mr. ELLISON. It is a claim growing out of the defense of myself while I was chief engineer of the House. Five committees have reported unanimously in favor of it, but I have never been able to get it through.

The CHAIRMAN. Aside from your claim you were worth $3,000.

Mr. ELLISON. Yes, sir; in the Union Dime Savings Bank, in New York City.

The CHAIRMAN. State again, if you please, what was your plan about going into business at that agency. Was it to put in the $3,000, or did you intend to buy all your goods on credit?

Mr. ELLISON. No, sir; my distinct understanding was that I should not buy a dollar's worth on credit. My understanding with Mr. Bartles was that I would take one-half of his stock for my notes, payable in six, twelve, and eighteen months, at 6 per cent. interest.

The CHAIRMAN. Your purchase of half interest with him was to be wholly on credit?

Mr. ELLISON. Yes, and that no portion of the profits should be drawn from the concern until the last note was paid, and that all new stock put in I was to pay cash for one-half of it.

The CHAIRMAN. And you relied upon that $3,000 for that purpose?

Mr. ELLISON. Yes, to carry me along.

The CHAIRMAN. For what you would call your quick capital; your intention was to buy into the existing stock on credit, and to use, if any money was needed, quick capital and put that money into it?

Mr. ELLISON. Yes, and my entire time with it; that was distinctly understood. Mr. Bartles had two other places and could not be there, and I was to be left in charge and give my entire time to it.

The CHAIRMAN. But as a matter of fact you never drew out that money?

Mr. ELLISON. No, sir.

The CHAIRMAN. And it remained in bank when you returned?

Mr. ELLISON. Yes, sir; except that I checked against it for expenses. I never checked out much of it for business purposes.

The CHAIRMAN. Did you receive any money from any one while you were in the Indian Territory visiting the agencies?

Mr. ELLISON. No, sir; I did not. I received compensation for my letters, but I do not think I received any money there. I went in with a few hundred dollars and I did not spend much while I was there.

The CHAIRMAN. But you never received anything from any one?

Mr. ELLISON. No, sir; except for my newspaper work.

The CHAIRMAN. Did you write letters while you were there?

Mr. ELLISON. Yes, sir.

The CHAIRMAN. To what newspapers?

Mr. ELLISON. I formed a syndicate of eleven weekly papers that I was to write to, and I wrote them weekly letters.

The CHAIRMAN. How many letters do you think you wrote during that three months?

Mr. ELLISON. I wrote about three a week.

The CHAIRMAN. Have you copies of those letters cut from the newspapers?

Mr. ELLISON. No, sir; I have not. I will say in connection with that that my understanding was that the letters should be *sub rosa*, without stating who they were from, and they were to use them without attaching my name.

The CHAIRMAN. What newspapers published communications from you while you were there?

Mr. ELLISON. I should rather be excused from answering that, because that was part of my contract that I entered into with them.

The CHAIRMAN. Do you decline to tell us what papers you wrote letters to?

Mr. ELLISON. I do not want absolutely to decline; I would rather have you excuse me from answering, because it was part of the contract that they should be *sub rosa*.

The CHAIRMAN. I do not excuse you, because I think it might throw some light upon your politics and your political status, and the question of your political status bears upon your credibility (if you want to know the process by which I conclude that those letters are competent testimony), and I ask you to name the newspapers to which you wrote and to procure and produce the letters.

Mr. ELLISON. I should rather be excused from that.

The CHAIRMAN. You decline to do it, do you?

Mr. ELLISON. Yes, sir; I decline to do it. I could not without their consent, because it was understood they were to use them as letters or as editorials as they saw fit.

Senator BLACKBURN. I should like to have those letters, Mr. Chairman. Did you know Mr. Bartles's politics while you were negotiating with him to purchase a half interest in his stock of goods?

Mr. ELLISON. I do not think he had any politics.

Senator BLACKBURN. Oh, yes; I know them well. Had he any partners?

Mr. ELLISON. Yes; he had two or three partners.

Senator BLACKBURN. Do you remember their names?

Mr. ELLISON. Yes; he had Mr. Bird and Mr. Wismeyer as partners; he had an interest in three stores while I was there.

Senator Blackburn. I mean at the agency?

Mr. ELLISON. He had only one store at the agency; it was Bartles & Pratt.

Senator BLACKBURN. Did you know Mr. Bartles's politics?

Mr. ELLISON. No, sir; I do not think I did; I do not think he had any.

Senator BLACKBURN. Do you know them now?

Mr. ELLISON. No, sir; I do not.

Senator BLACKBURN. If you will read that book you have before you [the testimony taken by the committee] you will find out there. He is a pronounced Republican and has always been. Did you tell Mr. Bartles that the spoils belonged to the victors, and under this administration Republicans could not get a renewal of license?

Mr. ELLISON. I do not think I put it in as strong language as that.

Senator BLACKBURN. I will put the question so that there shall be no difficulty about understanding what I am trying to get at and you shall have no difficulty in answering if you choose to. Did you or not undertake to further your own purpose of becoming a partner of Mr. Bartles by letting him understand that you had a license to trade there;

did you or not undertake to impress upon him the fact that he, being a Republican, could not get a renewal of his license?

Mr. ELLISON. I think I told him that his license I did not think would be renewed.

Senator BLACKBURN. His licenses were renewed, were they not, certainly in one instance, and he is trading there now, is he not?

Mr. ELLISON. My impression is that he has gone out.

Senator BLACKBURN. No, he has not; he is trading there every day.

Mr. ELLISON. I did not really know what his politics were; I did not think he had any.

Senator BLACKBURN. The record there shows that he is a Republican. I asked him on the witness stand, and he said he had been a life-long Republican. Now, what induced you to make the effort to secure a license as Indian trader if you believed that the spoils belonged to the victors, and you were a Republican and this administration was Democratic; what was it that induced you to go and get a Democratic Commissioner to give you, a Republican, a license to trade with Indians, when you went there and told the other Republicans that they could not get any renewal of their licenses?

Mr. ELLISON. Simply because I thought that he would extend that courtesy for business purposes down there without applying the matter of politics.

Senator BLACKBURN. But you told the other traders there that the matter of politics would be applied.

Mr. ELLISON. I did tell them that the matter of politics would be applied.

Senator BLACKBURN. Were you sincere and frank when you told them that?

Mr. ELLISON. I think so, ordinarily.

Senator BLACKBURN. You were a Republican, who had gone and asked for one of those positions and had gotten it; yet you went straight there and told them because they were Republicans they could not get their licenses renewed?

Mr. ELLISON. Yes, I told them that.

Senator BLACKBURN. Do you think that was candid?

Mr. ELLISON. I do not think it reflects upon me.

Senator BLACKBURN. I did not say that it did.

Mr. ELLISON. Well, I am willing to admit that.

Senator BLACKBURN. When you went with Mr. Bagley to Commissioner Atkins and asked him for a license, you did not tell him that you were a Republican, did you?

Mr. ELLISON. No, sir; I never talked politics with the general, I do not think.

Senator BLACKBURN. Is it not true that all he knew, and all he had any right to know, about your politics was that you had been a very earnest, warm supporter of his in his race for the nomination of Clerk of a Democratic House?

Mr. ELLISON. Well, I was very enthusiastic about it.

Senator BLACKBURN. Now, may I ask you, if you have an opinion or had an opinion at that time, what do you think Commissioner Atkins believed your politics to be the day he gave you your license?

Mr. ELLISON. I could not say as to that. I am sure I never led him to believe I was a Democrat from anything I ever said.

Senator BLACKBURN. Did he not naturally conclude so by your support of him?

Mr. ELLISON. Well, I was not so friendly to Mr. Clark, and thought

Mr. Atkins was the best man of the two. He is an honest man; I do not think you will find anybody in the District of Columbia who will say to the contrary; and he is a good man.

Senator BLACKBURN. You have answered the chairman and said that, in an interview you had with him and Senator Platt the day before, or about the time the chairman's letter was written to Sergeant-at-Arms Canaday, you did claim credit for having given aid to the majority side, which was the Republican side of the committee, that went to the Indian Territory with a view of prosecuting hostile inquiry or investigation against the Indian Office.

Mr. ELLISON. Yes, sir.

Senator BLACKBURN. Now, do you think that it was altogether candid or fair in you to be aiding that Republican majority in their efforts to embarrass or smirch the Indian Office whilst you were holding a commission under that same office at your own request?

Mr. ELLISON. I will answer that by saying that I do not think it smirched the Indian Office or the Commissioner by pointing to irregularities or anything a little crooked in the manner or way in which I did.

Senator BLACKBURN. Who was it going to reflect upon?

Mr. ELLISON. It ought to reflect upon the man who was pointed out.

Senator BLACKBURN. But you think the man who appointed him would not be responsible?

Mr. ELLISON. Oh, it was a means of their getting at what seemed to me might be a little crooked.

Senator BLACKBURN. I believe that is all I want to ask.

The CHAIRMAN. That is all.

The select committee then adjourned.

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TAKEN BY

SELECT COMMITTEE ON INDIAN TRADERS, U. S. SENATE.

PREPARED BY JAMES L. ANDEM, *Stenographer to the Committee.*

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Bd.: [402.] 1888/89, Vol. 5 = Congress 50, Sess. 2

Washington, DC 1889
Am.b. 3040-402,5
urn:nbn:de:bvb:12-bsb11548360-4